POU-ROU:

AN

HISTORICAL AND CRITICAL ENQUIRY

INTO THE

PHYSIOLOGY

AND

PATHOLOGY

OF

PARLIAMENTS.

INCLUDING A NEW PLAN FOR A

CONSTITUTIONAL REFORM,

IN TWO PARTS.

RECOMMENDED TO THE SERIOUS PERUSAL OF ALL POLITI-CAL SOCIETIES, CONVENTIONS, DELEGATES, VOLUN-TEERS, ELECTORS AND REPRESENTATIVES.

B V

A FREEHOLDER.

Reliquum est ubi nunc est respublica ibi simus potius quam dum illam veterem sequamur simus in NULLA.

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ADVERTISEMENT

OF THE

IRISH EDITOR.

THE following ENQUIRY in M. S. was left at my shop in Parliament-street, on the 28th of August last, in the dusk of the evening, by an unknown person, who immediately went away without answering any questions. He was a set man, in a bob wig and dark clothes, who had a Taylor's measure hanging out of his pocket. It was accompanyed by another short M. S. which, as it appears to contain some interesting memoirs of the author, his life and character; and may be agreeable to our biographical readers, we have taken the advice of a judicious friend to publish verbatim as it was delivered to us—Both M. S's. have been burned, as directed, as fast as the sheets were printed off.

THE author of this Essay is of an antient English samily, some of whom held respectable employments under Queen Elizabeth; but going over to Ireland with the Protector, obtained there a happy establishment. However, by an unforeseen accident, and negligence, his Father was obliged to quit that country in distressed circumstances. The greater part of his lands being seized by the creditors, were afterwards purchased by a person

person of distinction there; to whose descendant they are now of considerable value.

This misfortune having happened while his mother was carrying him, her pains coming suddenly on, the travellers were obliged to stop at Caernarvon in Wales, the seat of the antient British Kings—and which was likewise honored by the birth of one of our most illustrious English Princes—This first circumstance of his life he always reflected on with pleasure, as he looked upon it to be, in some degree, prophetic of his suture loyal-ty—Loyalty, indeed, is his soible, if I may venture such a term, on such an occasion. He carryed henthusiasm in this point so far, that he is even jocularly accused among his friends of having spent several years in tracing back the genealogy of the present illustrious house of Hanover, to Lewellyn ap Iorwarth the Great. The virtues and accomplishments of the renowned princes Sophia, so justly set forth by Langford, have been always no less among his favourite topics.

Or this amiable enthusiasm he gave a surprizing instance at an early period of his life. His parents dying while he was yet in his infancy, he being their only child became intituled to the fmall remains of a fortune, still subject to many incumbrances. In this distressed situation of affairs he was taken to London by his maternal uncle, a dealer in Thames-street, who had been prevailed upon to take out the guardianship, and who being also childless himself was expected to provide handsomely for him. This uncle finding a towardly genius in the youth, put him to Merchant Taylor's School, where he foon made a confiderable progress in his studies. Having strayed one day from his schoolfellows, they went over the town in fearch of him-and at length after a tedious pursuit they found him in the midst of the Royal Exchange, admiring the statues of the Kings, and it was with much difficulty they could prevail upon him to return to his studies.

He was at the proper time removed from that school to Oxford, where he was put upon the soundation, and would have been appointed a sellow there, but for the insuperable aversion he always expressed against Monkeries, so he used to call those celebrated seats of academic retirement, "Speculation," he would often say, "is the bane of all improvement. Every form of discipline ought to be a Qualification, not an Incapacitation for life. Things, and not Words, are the proper study of Man." Yet he for ever after expressed a great predilection for that

that university, where he had the honor to be bred, on account of its acknowleged loyalty, even in the worst of times!

While at Oxford he is faid to have acquired a great facility in the different branches of human learning, and to have been no less diffing uished for an extraordinary genius—But these are points which I leave to be decided by such as take the trouble to peruse his works.

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He had at this time some thoughts of entering into the holy order: A bishop, who was a friend of the family, having offered to ordain him. Though he had a high respect for that order, as will appear in his papers, he soon fell of from his intention; by the advice of his friends, who had little interest in that line, and had made a true observation, that merit was rarely promoted in the church. But whatever were his fentiments with respect to the church as a profession, his attachment to the protestand establishment was invariable. Although a professed friend to religious liberty, yet he thought that external conformity was a compliance justly due to every government. And in this idea he was supported by the opinion and practice, as well of Plato and Socrates, as of Christ and his Apostles - With regard to the Union fo much talked of between all fects, he observed with Baron Puffendorff, that such a proposal never originated from Roman Catholics, that in fact they laught at it in their fleever of the street enough outside the ter

Ar leaving the university, he took lodgings in Lincoln's-inn, principally for the benefit of the walks, where he indulged his political enthusiasm with a profound study of the English constitution. Here he passed several tranquil years almost wholly unobserved, yet interested in every thing that might contribute to the welfare of society, and excite literary curiosity. When Air-Balloons become the fashion, he made some progress in constructing a balloon, in which he designed to have taken the tour of Europe alone, rather to observe the varieties of nature, than artificial manners; contrary to the practice of most of our travellers, who in general bring home rather sollies than improvements.

His friends were few but select: to these he would occasionally lay open the secrets of a heart no less susceptible to love and friendship, than it has ever been to the impressions of loyalty: Yet silence and reserve were his reputed characteristics: So ill are the people qualifyed to judge of real characters!

Upon the death of his uncle he had the satisfaction to find himself, though not rich, yet wholly independent of the world. Independence," he was wont to say, " is sar preserable to "riches." The idea he had been taught to entertain of the uncertain state of Ireland, and of the discontents that prevail there, soon induced him to cross the sea to look after his little property, which was now become entirely clear by the friendly care of his uncle, and the advantage of a long minority—He had, however, other attractions to Ireland, being above all things an enthusiast of nature; he was delighted with the expectation that nature and characters are to be sound wholly unsophisticated in that country, from its late arrival at a state of civilization; and in this expectation he contessed he was not wholly disappointed.

During his residence there he principally remained at his country mansion. He used to say that the late encrease of metropolises was the desolation of these kingdoms—An inconvenience of which Queen Elizabeth and King James I, were so sensible, that they exerted all their authority to suppress it in their time. Whenever he visited Dublin he chiefly lodged in Cook-street, as well for its proximity to the law courts, which were his favourite amusement, as for another fanciful reason that that street by it low situation must be exempt from the usual uncertainty of an Irish atmosphere. He also paid a singular attention to the proceedings of Parliament.

As to his political principles: he was a staunch friend to every mode of conflitutional reform. Lord Charlemont's answer to the Belfast address did not escape his notice; on the contrary, it met with his highest approbation. And though he seemed to think, that Parliament had loft much of their original dignity, and was himfelf perhaps too particular in examining the qualifications of candidates; yet he always allowed that the uniform respectability of the late Sir George Savile in England, and the rank, honorable fervices, integrity and abilities of some profeffed patriots in Iteland were such, as must stamp a fanction upon any fociety with whom they were united. Though he was a true patriot, his patriotism was ever subordinate to his loyalty. He always confidered the abuses any nation suffered, under a tolerable government, as far less oppressive than a civil war would be-for this reason he held demagogues in such abhorrence, that latterly when he became a Valetudinarian, he used to fay, that the worst disorders he apprehended was the Demomaniphobia, 'the fear of popular commotions'-While at the fame time

effay

time he rightly judged that the abuse of parliamentary previleges is the originating source of the worst disorders in our Senate.

THE reader will doubtlefs observe, that our author has perpetually quoted the first Edition of Hume's History, as it came out in detached divisions in preserence to all the subsequent ones: But the reason, perheps, may not be equally obvious. This I suppose to be what I have often heard him remark, that the original edition of that history abounded with many just and curious remarks, that were either suppressed or altered for the worse in the later ones. With regard to the Essay itself-Far be it from me to add any thing to its authorities or arguments, they can best speak for themselves. Nor will I yet affert that it is wholly free from his favorite enthusiasm. But I am informed by some judicious friends, that the plan of reform he has set forth, would, if realized, establish upon the firmest basis the true profperity of these kingdoms; that it agrees in its most essential parts with the fentiments of all the wifelt and most moderate men of all ages; and with all of every denomination with whom it is an honor to coalesce. Sentiments of a very different kind may be the fathion of the present time: But whatever our violent reformers may think, we are ready to reply in the words of a great author, ERROR AND ANARCHY LAST BUT FOR A DAY, WHILE TRUTH AND ORDER ARE ETERNAL.

As to his person: he was a tall, spare, middle-aged man, of an adust and bilious complexion; a high forehead, an aquiline nose, arched eye-brows, that almost met. He had speculation in his eye, held his head erect, walked quick, and often was obferved to stop and feem to look about him, while at the fame time he could not be perceived to have diffinguished any object. He was commonly calm, but on flight occasions addicted to sudden fits of passion, at which time the veins of his forehead would swell, his eyes parkle, his face redden, and he would be in danger of choaking if his friends had not the precaution to loose his cravar, a freedom which he always fore patiently. He is faid to have been a person of uncommon vivacity in his youth. but from the loss of friends and a variety of ditappointments, has been to much addicted to thoughtfulness and folitude, as to be thought diffrait by ignorant spectators. But however excusable his mental abtences may be, his friends have a just right to complain of his corporeal ones, as he has of late bodily absented himself from his lougings; nor is it even conjectured what can be become of him. It is feared he may have been kidnapped unknown to himfelt in one of his reveries by some interested person, who designs to make a show of him for his rare endowments. The following

essay being since sound on his table; it is conjectured that he was just preparing it for the press at the time of his sudden disappearance. His friends hereby offer a considerable reward to any person that can give information about him—

And the publisher will be thankful for any original papers, as it is supposed he may have left many.

Just as I had written the above, the following particulars occurred, which ought not to be wholly overlooked in this advertisement. I was sitting behind my counter with the MSS open before me, when a certain person entered the shop, whom I have sometimes condescended to invite to my table, both as a ferviceable author and a judicious critic. Seeing me thus engaged, he took the liberty of a friend to ask me what new thing engaged my thoughts. As foon as I communicated to him the general title, being himself a good hand both at a title and news-paper paragraph, 'why yes,' he cryed, 'this is a popular subject-it may do-if it is well puffed.' Encouraged by this fo flattering introduction, I put the whole into his hand, which, when he had looked over with a considerable degree of attention- Your author is wrong,' faid he, ' he must be wrong, in the æra he affigns for the first introduction of Commons to Parliament.'-I answered, the author ' might yet be right as that is at best a disputed point' -No certainly replied he, with an authoritive voice, it has been decided otherwise ex cathedra, by a celebrated French author a polite Abbé—the Abbé Milot -I asked, 'upon what authority that Abbé had prefumed to decide upon fo doubtful a question? He acknowledged ' that he had not produced any voucher'-As I perceived that the argument was now at an end-I contented myfelf with observing

upon the presumption of those foreigners who take upon themselves to settle what has been left undetermined by natives, and resolved for my own part to adhere to the account of Parliaments given in this book—at least until I am furnished with a better.

As to any errors that may be found in the Work before us, doubtless it would have appeared more complete, bad the author been personally present to correct it.

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upon the prenimption of those foreigners who take upon themislives to deute what has been, left undetermined by natives, and referred for my level part to adhere to the account of fulfaments given in this book -- or death went I am I wanthed with a never.

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POU-ROU:

PART THE FIRST

OF THE

PHYSIOLOGY

OF

PARLIAMENTS.

ESTO PERPETUA!

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TRELLIANT TRACTIC

A O O T O I S A M. A

PARLIAMENTS.

AUTHOR'S APPARATUS TO THE FOLLOWING ESSAY.

It has been the just complaint of Socrates, recorded by Xenophon, "that whereas every infignificant trade was allowed to require an institution, the science of government alone should be left open to every fortuitous poacher."

Mem. Lir,

WE learn from one of St. Paul's Epiftles, that there were at Thessalonica in his days, a very numerous sect of empirics, whom he thought proper to distinguish by the name of BUSY-BODIES,

В

The

The whole employment of this sect feems to have been the regulation of the state, to the utter neglect of their own private affairs. It is to these the Apostle addresses that excellent, though plain piece of advice, "that with quietness they work and eat their own bread."

THE same unaccountable frenzy possessed the fanatics in King Charles's time, to the almost total subversion of our established religion and government.

As this public-spirited order of men seem once more to have awakened from their trance of a century, forget-ful of the former wounds of their country, in defiance of the holy precept of St. Paul, and the sage admonition of Socrates, and regardless of the terror they cause to his Majesty's peaceable subjects, I think it high time for all those who respect the public peace, to

The oldest memorials extant, are confessedly those of Moses; there we read indeed of the Ruler of the People, but after the strictest search, I can find no mention of the People as Rulers. "Who are Lords over us?" said the rebellious Jews. What is this but the general address of all demagogues to their adherents?

THE riches of a King are in the multitude of his subjects. If the whole nation are to be lords, where will they find subjects? And how poor must such a nation be?

It has been the celebrated encomium of antient Rome, that all the people were Kings, and all the Senators Gods. As I am a professed admirer of antient Rome, I will not attempt to invalidate the compliment. But methinks it is no little discredit to the wisdom of those Gods, as well as no small inconvenience to the state, that they did not contrive

contrive to keep their Kings in better order.

However, lest the precedents I have

brought should be arraigned as equivo-

cal, I hope it will be no offence to the

serene Majesty of the People, if I en-

though the fole ground of their pre-

tension, they are at present so desirous

to overturn. And in the course of

this Enquiry, I shall shew the true per-

fection of Parliaments, with their real

or pretended defects; and the only con-

stitutional and effectual means of re-

medying the one, or of restoring the

deavour to ascertain their claim, by the test of truth and reason. For which purpose, I shall enquire into the soundation of democratical power in general, and in particular the rise and progress of those Parliaments which,

thor's De-

Anddefence of himfelf, other. I am fensible, that to recal the people to calm reason, has been at all times an invidious and dangerous attempt. But when I consider that the Saviour

Saviour of Men himself, experienced the worst requital; that Socrates could not escape hemlock—that those Kings who were the best friends of the people, have feldom been fafe from their rage -I fortify myself with Seneca, and the excellent Marcus Antoninus, M. Ant. "Neminem virtuti magis esse devotam Ep. 81. quam qui boni viri famam perdidit ne conscientiam perderet."

To conclude. I expect the attention of the candid, and hope for the approbation of the judicious. - To those of a disposition more mercurial, shall be content to address the words of Brutus, "Hear me for my cause, and be SILENT that you may hear."

*** For the meaning of the word POU-ROU, which occurs in the title, as I do not think it expedient to damp the public curiofity too foon, I shall beg leave to refer to a Postscript.

and I make the Train of the form the way in in a religion of the control of the pur since Halles restricted by the Mark to While to be a andres to a paint

POU-ROU.

MEN fly to the falutary restraints of political, to skreen themselves from the horrors of natural liberty. Such Origin of is the origin and object of all SOCIETY. Inft 1. 3. 1. As they are intended to be gregarious animals, like all others of the fame kind, they easily incline to follow a LEADER.—This Leader or Duke must be fome great Perfonage whom they have been accustomed to look up to for his acknowledged wifdom, ability, and virtue. Of this fort were the Dukes of EDOM, &c. So Vingil fings:

- Savit animis ignobile vulgus. Tum pietate gravem ac meritis si forte virum quem Conspexere silent arrectisque auribus adstant Ille regit dictis animos et pectora mulcet.

But

But as it was effential to the permanent

peace of the state, that this dignity should be hereditary, and the requisite qualifications for fuch an office do not always run in descent, it became the first care of this provident Leader, to appoint a standing council for the infant nation, some of whom might be entitled by birth, others by their approved wifdom and piety, at the election of the grandees and people. Such is the origin of all GOVERNMENT. is thus every well-ordered community ought to confift of a Heretogh as Chief, of the primores Populi, as a senate, and of the populumque tributim as subjects, not as Dictators.

Of Government.

II

Absolute
Liberty undesirable.

It was the celebrated remark of Tacitus upon the Romans of his time, Nec totam libertatem ferre possint nec totam servitutem. This may be considered as a general aphorism with respect to political manners, no less suitable

[9]

able to many other nations than to those for whom it was originally defigned; and perhaps to no other more applicable than to our own. Nor is this the only instance of conformity that may be obferved between us and that celebrated people. A certain feverity of manners Ad feveriand turn for deep speculation, which Cie. has been of old attributed to the latter, and perhaps gave rife to the above observation, is alike characteristic of both .-An observation thus derived from fluctuating manners, it has been the study of later speculatifts to fix upon some less variable principle. The public have readily embraced their opinions, as far as they were found favourable to them-They even gave them credit felves. for more than they required. Whatever praises they justly bestow on a Mixt government, interested demagogues have applied to a Democracy. An estate, however, as far more dangerous than that of favage nature, as

[10]

it possesses superior capabilities of mischief!

III

A mixt Go-

IT seems to be the conclusion of the principal writers on Polity, that a mixt government is most agreeable to nature, because it is agreeable to reason. I have often thought, read and conversed on this subject, and the more I hear, read and consider, I am the more inclined to regard this notion as a meer chimera, that either can never be realized in the present situation of things; or even if it were possible, were yet wholly undesirable.

TV.

Founded only on Speculation. Cic. de Rep. l. 2. Polyb. l. 6. CICERO and Polybius among the antients, as well as innumerable moderns, have agreed in afferting That constitution to be the best, which is composed of three forms, Regni, optimatium & Populi imperio. The former of these may be looked upon as active, no less than speculative men. But if we recollect

that

that there is no person who has less curiofity about a puppet-shew than he that conducts it, or knows more of its imperfections than he who is behind the scenes, we will easily be induced to believe, that what the great antients held in most admiration, was what in truth they had the least experience of. As to the moderns who have applied their thoughts to this subject, they are either meer speculatists, or if they have been intrusted with the secret of affairs, have rarely approved in practice, what they admitted in speculation. And in this number I reckon Dr. Swift, whose Esfay upon the contests in Athens and Rome, may illustrate the truth of my affertion; which must still more manifestly appear from considering the different ages wherein those authors wrote. Cicero and Polybius are known to have flourished under the Commonwealth of Rome, at a time when all orders of men were beginning to perceive that the kingly power alone could

allay the diforders of the state: a falutary change! which Their theories of government were purposely calculated to recommend. Dr. Swift published his Essay during the reign of King William, under the prevalence of those licentious manners which had been for lately introduced to England by King Charles II. as an antidote to that fanaticism which he had found at once so fatal to his family and to the state. - A licentionfness which though the Royal proclamation at that time failed to repress, yet might have been easily prevented by a prerogative less limited; and fuch was the expedient proposed by that author. So that it sufficiently appears that however these great writers, in compliance with the humour of the times, might have appeared to favour this mixt form of government, they were in truth the panegyrists of a limited monarchy, rather than of democratical power. orders of men were

Its advocates friends to a limited monarchy.

care that the kingly cower aloa

the executive part wit of its place to

This idea of theirs, politicians have attempted to illustrate by a BALLANCE, the property of which is to counterpoife plicable. fuch things as are placed in the oppo- swift, vol. fite scales. The ballance itself to be vol. i.p. 7. supported by a third power. This alluston of theirs is indeed very apposite but not to the purpose they imagine. They suppose the perfection of government to confift in an equilibrium. What is this but to reduce the whole to one power, and that power the executive one? fince by a well-known rule in mechanics, equal and contrary motions must effectually destroy each other. On the other hand, when unequal and contrary powers act upon the ballance, as they are in constant and necessary opposition, what must be their final effect but to reduce lociety to that state of warfare which was Hobbes's idea of nature; or to allow the addition of the third power to supply the deficient scale. What is this but to take the

SIC

The Ballance inap-

the executive part out of its place to maintain their imaginary ballance? And when the supporting power is removed from its place, what will become of their fantastic scale? I will, however, admit, that were all men alike reconciled to their proper place in fociety, and actuated only by vis inertia like weights in the opposite scales, the allusion might be the more applicable. But who is there in the present frame of the world, that peaceably acquiesces in the appointment of his Maker? Who is there that has much, and would not have more? Who that has little is content with that little? Who is there that loves not deceitful weights? In fuch a confusion of jarring interests, how fatal must such an experiment prove? Can it be expected that those who neglect the noblest truths of religion, and the peace of well-ordered fociety, will be easier brought to obey the light arrangement of a ballance? It is thus these speculative politicians

are buried in a worse gulf than that they so ardently wish to avoid, Incidit in Scyllam, &cc. It is thus they submit to a real tyranny, while they are studious to guard against its shadow. from this misapplied allusion, they have derived their idea of those antient establishments, upon which they pretend to erect our modern ones.

VI.

I THINK I shall easily make it appear in the course of this enquiry, that ported by History. in fact, none of those antient States, however they might vainly pretend to it, were possessed of that boasted composition, or that if ever they attempted to realize it, they were only the less happy: That however it might be founded in reason, it is by no means confonant to nature: That men are born to be subject to a superior; and that under fuch a necessity, the only thing that remains for them to decide, is, whether they will chuse to be subject to the One or the Many? A question

this, that however it may exercise ingenuity and opinion to resolve, I will yet be bold to affirm, ought to be without hesitation determined in favour of the former. But unluckily for the vain schemes of projectors, the decision does not now remain to be made. Our constitution is already settled upon a basis too sirm for the turbulence of speculatists to remove.

VII.

Not originated from Nature.

For as to that pretended equality of nature, upon which they expect to establish a popular power, how little weight ought it to have in a question of such importance? If we appeal to nature at large, how ill does this idea we have formed of the equality of nature correspond to the whole analogy of nature? For if we ascend to the highest pinnacle of nature, even to the throne of God, how will we find the whole chain of Being to descend from thence in a gradual subordination.

How

How will we find the different hierarchies of angels marshalled according to their ranks allotted by the great King? How is the fame fubordination preferved in the stars, one star differing from another star in brightness? How is all Heaven but one glorious kingdom, for the coming of which Christians are taught to pray? What are the elect of God, but the subjects of this kingdom, where they will be arranged in their due degrees, under thosewho shall hereafter attend their glorified King, judging the twelve tribes of Ifrael? With Him, from the beginning, fate WISDOM His Council of State, when he faid, 'Let us make Man in our own image.' Should it have originally employed the wisdom of God to create man, and shall it not equally require the great councils of Princes to govern them? And I dwell the longer on this subject, because I am affured that it is the occult defign of these reformers, whatever modera-

D

tion some may pretend, to overturn the Majesty of Kings, and to render their Councils contemptible.

All this dread Order break for whom? For Thee? Vile worm!—O madness! pride! impiety!

VIII.

Such is the great chain of fubordination described by Homer. Nor does this instructive chain terminate here. If we descend 'a little lower than the angels,' even to MAN himfelf, where shall we find an example of this pretended equality? How do they all differ in feature, in fize, in knowledge, in virtue, in natural and artificial endowments !- If we examine the inferior classes of nature, how are all the different classes of animals supposed to be fubject to Kings? Is not the lion the King of beafts, the eagle the Tyrant of birds? Is not the admirable polity of the bees conducted by a Queen? Would not the same equality of nature that prevails in horses as well as in men, prevent one horse from being eternally confined confined to a mill, while another is adorning a pageant of state? Why should an ass be considered in one country as a contemptible animal, in another as the proper vehicle of Kings? How greatly then had the Afs in Æfop the advantage of our modern politicians, who declined intermeddling in questions of government, fince whoever should bear sway, he must be obliged to carry the panniers?----I am well aware, that a want of fuch wisdom in our Coffee-house politicians, is the real cause of their being so much addicted to political speculations. They are grown weary of carrying the panniers, and have not the good sense to reslect, that they are qualified for nothing elfe, As they pretend to be judges of Religion as well as Government, why do they not remember, that some vessels are ordained to honour, and others to dishonour, and that the Potter that hath originally defigned Them to be ' wash-pots,' hath the power over his own

own clay? I will not, however, venture to fay, that it were a falutary restraint upon the political fury of these times, to revive the obsolete statute of Charles IId, for shutting up Coffeehouses. On the contrary, I think, that the larger space is allowed to these gentlemen for the display of their impetuous abilities, the state has the less danger to apprehend from an explosion. But it is highly necessary, that the cure should accompany the disease; and no less the duty of every individual, who regards the peace of fociety, to contribute his affistance to the cure of a disease so extensively dangerous. I hope, therefore, that the recipe I here offer, will be duly taken as a cooling emulfion for the ferment of the times, and that it will not fail of its effect.-But thefe reasoners seem still determined to reafon on, let what will be the refult, and are like the generality of those fagacious beasts aforesaid, not easily to be driven out of their own way. In condescention to the level of fuch intellects, I will now proceed to reason with them a little, and enquire which is the best choice to make; no other, as I have already observed, being literally in our option, the tyranny of One, or that of the Many-And-I shall found my comparison on two observations, which correspond to the truth of history.

FIRST, The tyranny of One hath Monarchy this advantage, that it cannot extend to All: That some may, by their consequence, be fafe from it; (an objection that was abfurdly made to the mild laws of Solon;) and others, by their infignificance, be remote from its terrors; according to the just remark of Goldfmith,

The biting axe, the agonizing wheel, Luke's iron crown, and Damien's bed of steel, To men remote from power, but rarely known, Leave reason, faith, and conscience all our own.

Whenever the Roman provinces had cause to complain, it was owing less even to their worst Emperors, than to their

their deputed Governors, who were taken out of the Many, and obtained that power by popular intrigue, which they afterwards abused, to the destruction of the People. The modern Turks, and others under a similar government, suffer the same inconvenience from similar causes, and have always been obliged to apply for their dernier redress to the One.

X.

Tupavvo. Rex. Suid.

SECONDLY, The Tyranny of One may be oftentimes GOOD; a circum-stance implied in its very name. However ignorance and prejudice may conceive otherwise, That name was at first perfectly innocent, expressive alone of the executive power. If it has long since ceased to be so, it is owing as much to the unruliness of the Many, as to the mis-rule of the One. An aftertion abundantly supported by history. If we are content to derive Royal from Parental Authority, how mild must it naturally

Temple Difc. on Gov. &c.

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naturally be? The first Kings of the world were worshipped as Gods-why but for their benefits to men? What were a Thefeus, a Numa, an Augustus, a Titus, a Trajan, a Nerva, an Aurelius, an Antoninus, an Alphonfus the Wife, an Alfred, a Henry IVth, and a Charles the Good, but Kings like to the Gods? Yet fome of these became martyrs to the violence of the people. If it should at any time happen, that the One is untrue to the interests of the People, it is generally by the persuasion or threats of the Many. It was by such influence Pilate was impelled to condemn our Suid. Zo-Saviour; it was by fuch influence Au- August. de Civ. d. 1. guftus and his Successors were prevented from inrolling him among the Gods of Rome! If Felix, or Festus, had been equally under influence, they would have equally condemned St. Paul. So small are the relative evils of tyranny, a truth admitted even by p. 2, \$205. Locke! sold off any and v/

XI.

Democracy compared.

On the other hand, if we suppose the Many to be possessed of power, let us see what will be the consequence: An Aristides will be impeached for his justice, a Pericles for his magnificence, a Miltiades for his success in war, a Phocion for his merit in procuring an honourable peace: A Virginius Rusus will be reviled, a Rutilius will be banished, a De Witt will be assassed, a Charles Ist will lose his head. Nor were the temples of the Gods more safe from their rage, than their images here upon earth.

XII.

LET us mark the progress of this power. The many-headed monster too blind to conduct itself, will beled by popular ORATORS who will first amuse them, and finally betray them; even Demosthenes was at length prevailed upon to Phillippize. What were the long-winded harangues

Swift, Hen. 1. p. 298. vol. i, p. 38.

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harangues of Cromwell, but pandars to the Philip within his breast? Or if these popular Leaders should cease to obey them in their wildest extremes, they will at length fall a facrifice to their vengeance. Such was the fate Polyb.l.s. of the orators at Argos, of tomos

Vira this rage ank

us behold the end of this Hume, 1, power: The most violent tyranny of Append, to the One, or the still worse anarchy of the Many. Witness all antient and modern history. Witness a Hippias, and a Dionyfius! Witness the United Provinces of Holland, now hastening rapidly to their decline, having forgot their due respect to the One, by whose power they possessed their liberty. Witness the Thirteen Colonies of America, now the theatre of fearful swift, 1, 6. confusion! Witness the Decemvirs of Rome! The three thousand tyrants of Athens! To sum up all miseries in one word, the Rump Parliament of Eng-

Dion. Hal, l. 10. Xen. Hift,

 \mathbf{E}

land!

land! What terror is there in a solitary tyrant to compare to this lost state of a nation? Whereto shall we liken it but the Hell of Milton?

Regions of forrow, doleful fhades where peace And rest can never dwell. Hope never comes That comes to all!

When this rage of politics possesses the multitude, how does it Out-Herod all the controversies of all His devils? What, are 'fate, free-will, fore-knowledge absolute' to the political questions that excite this domineering frenzy of a nation? Why but to establish the tyranny of the Many did King Charles I. lose his head? And what was its iffue but the most violent despotism? The Reformers of that day were heartily fick of the work of their own hands; few of them furvived to tell The tyrant himthe news in Gath. felf poured out his foul in an agony of fear and remorfe. But his tyranny was by no means so formidable as his Common-

Common-wealth would have been. The nation were possessed of a prosperity at home, and a consequence abroad, unknown to the proudest Republics!

IT may be observed that in all this Aristocracy Discourse, I am silent about Aristocracies. The People have no right to complain of Them, whatever the Kings may have had, fince to them we of these nations in a great measure owe our rights. Or if they were at any time a curse, their power has been so considerably diminished, that it has long since ceased to be dangerous. At worst they can be but a puny curse to a nation. An Aristocracy to say the most, is but a Cerberus or a Geryon. The manyheaded monster-the many-headed monster, I repeat it, is a 'hundredhanded Gyas,' formidable even to the Throne of Jove!

Such calamities as these can never be apprehended under a Kingly government,

vernment, at least in the present enlightened Rate of the world. The examples of antient and modern history are a fufficient check upon the enormities of Kings, by shewing how fatal their vices and thirst of power have generally been to themfelves, and even by those very instruments which they had fondly employed to maintain it. Let the Roman Emperors of old-let James the IId. in a later age, be a standing memento to Kings how little reliance they ought to have upon a mercenary army. If the army did not oppose the violence of Cromwell, it was only because the nation had acquiesced before. I have faid that Aristocracies are a light evil. I now affert that Kingly Power is a far lighter one. The

Monarchy compared.

> Quicquid activant reges pleauntur Achivi, is an evil indeed, but by no means of the first magnitude. The worst evil that can befal a nation, I repeat it again, is when the People will be Kings This is a truth as old as Themselves.

Homer.

Homer,

Oux arasın πολυχοιραιθι.

either to a mistaken favoritism, or to the interested advice of evil counsellors who are of the Many, and whose councils have always proved most fatal to the King himself. Sparta or its Kings, before they had entrusted too great a power to the hands of the Ephori, were never subject to the worst horrors of Tyranny. This spirit of Tyranny in the Many, is a stubborn spirit, like that in the Gospel—its name is Legion—it is not to be ejected but by Fasting and Prayer.

ne le hand who hould be

I HAVE sufficiently shewn, from the analogy of all nature, how salse are the ideas of these reasoners in savour of mixt or popular government. For it may be laid down as a maxim, that whatever the generality of them pretend to the contrary, those who are most violent in praise of the Former, in reality alone intend the Latter.

IHAVE

XVII.

The firth Govern-

I HAVE again to add from the concurrent testimony of all the oldest histories, that Kingly Power, as it is the fimplest and most natural, so it was the first form of government established in the world; and that all foreign additions to it, as they were at first the invention of interested and speculative reasoners, or at best the temporary offfpring of convenience, caprice, or neceffity, so they will be found in the end, alike dangerous to the Rulers and to the People. So just was the decifion of Plato, that if all men were as good as they ought, the contest would not be as it is now, who should be Governors of the State, but who should not be fo? A sentence which had such an effect upon his countrymen, that Socrates is introduced as chiding a perfon whom he thought particularly qualified for public affairs, for absenting himself from the care of the State. To the prevalence of the same difinterested rested maxim in our wise ancestors, it is to be alone imputed, that the honest Senators of those days required to be paid by the Public for their attendance on its concerns: fo little idea was then entertained of fetting up a separate interest in opposition to that of the State. What a strange reverse have we lived to see, that the Senators should pay the People. What elfe could we expect from fuch a proceeding, but what we have fince fatally found, that they would embrace the earliest opportunity to repay themselves ?-So properly are the two kinds of Venality blended by the Poet,

Venalis populus venalis Curia Patrum.

XVIII.

As the first Kings were the accom- Composed plished civilizers of the world, who are therefore hieroglyphically celebrated as great bunters and destroyers of monfters; fo their first Counsellors were only those who came next to them in the same accomplishments. And after property

of both.

property began to be ascertained, those who polfessed the most extensive property, from their superior stake in the flate, had a natural claim to the fecond place of power. These became the great Council of the state, and such was the fource and whole extent of every original government, who as they had at first, by force or compact submitted to the King, necessarily must derive from him whatever power they possessed. It was thus the antient kingdoms of the world were constituted. Such is the standing council in the great empires of the East, the true fountain of Gothic polity. Such are the modern Gothic establishments.

XIX.

We shall now proceed to examine how far all this applies to the government of these kingdoms, and how erroneously They reason who expect to derive a remedy for the real or pretended abuses of government, from any of those means which they have vainly

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proposed from it, or from any other power but THE KING ALONE,

XX.

AND in this research, it is not my defign to go into the confused and fabulous times of English history. But even of those times it is recorded, that ARTHUR had his Knights of the round Table, who were appointed by him to 1.1, e. 1. be the Great Council in his day, and the ministers of his government; a practice which he doubtless derived from the old Gothic constitutions.

Illuftrated from the British

Galf. Mon.

XXI.

This form of government they poffessed in common with all the northern Hume, r. nations of Europe. Juftly tenacious as they were of that spirit of liberty, which had rendered them superior to the empire of Rome, they yet had the good fense to perceive, that it was their perfect obedience to their Chiefs that procured for them these glorious fuccesses, and that their boasted liberty could \mathbf{F}

Append. I.

by an implicit adherence to that subordination which had been the great
instrument of their happiness. They
therefore paid a prosound respect to
their hereditary Monarch, who had also
the privilege of appointing their great
Council. A Council confishing always
of the first personages of the state,
which was designed only to be subordinate to the Prince, and perfectly free
from the controul of the People.

Tac. de Mor. Ger.

YYII

Saxon

The same Council prevailed under the several realms of the Saxon Heptarchy. We find it in the reigns of Ina, King of the West Saxons, Ossa King of the Mercians, and Ethelbert King of the Saxons. Its business was, according to Fleta, to settle the affairs of the kingdom, 'to make new laws, and amend the old.' It was known by the different names of michelsynot, michelgemote and wittanegemot, the council

L. 2. c. 2.

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council of grandees or wisemen; titles Glanv.l.10. that sufficiently shew how little part c. 32,2 lnit. the people had in those Councils. was also stiled in Latin magnum confilium regis, curia magna, conventus magnatum vel procerum, &c. titles also of the like import.

de transfering XXIII. a drive and a transfering

THE fame form of government continued after the union of the Heptarchy. To the time of the benevolent Alfred. we commonly refer the first institution of counties. The Chiefs, Comites, Aldermen, or Earls of these counties, were then the standing council of the Alfred and nation; to be entitled to a feat at which forty hides of land were one constituent qualification. The Athelings, or highest order in the Council seem to have been Princes of the Blood, as it is at present in China.

Black@. Intr. f. 4.

odica menon xxiv.

To the same æra we may trace the fub-division of counties into hundreds, Montefq. 1. 30, 17.

or curtenaries, and of these into tythings or fribourghs, (freeboroughs) a division wisely designed for the more equal distribution of justice, and the prevention of enormities; the borsholder or head of each fribourg, holding an office fimilar to that of Cenfor among

Fleta, 1, 47. Finch, 1. 8.

the Romans, as the Guardian of Manners within his district; and the whole decennary being answerable to the State for each other's good behaviour --- A practice which were well worth reviving, and which could not fail to be far more effectual for the detection, as well as prevention of henous offences, than the present unsuccessful substitute of Proclamations. Such is the remote origin of our modern beroughs, the peculiar institution of Alfred. And we have the pleasure to add, that the fuccess of these institutions, was equal to his wisdom in directing them. For some part of these establishments, he may perhaps, be indebted to the prudence of his predeceffors.

Blackft. Intr. f. 4. cessors, as they are alike found in the Seld. Tit. of Danish, French, and German constitutions. But to his own breaft only, we are to ascribe the memorable fentiment in his will, "That it was just " the English should remain for ever Affer. p.24. " as free as their own thoughts." This is indeed a noble testimony in favour of English Freedom, but far from what our Demagogues defire. It will not amount to a full proof that English fubjects have a right to enflave the King and his Council. The royal Alfred received their petitions, but would not have brook'd their commands.

XXV.

Such was the Great Council of Alfred; a Council which met at least c.r.r.s. twice in the year, (fays the Mirror) ' for the purposes of regulating the government of God's people, to keep them from fin, to preferve quiet, and to diftribute justice.' Purposes, how incompatible with the pretentions of Demagogues!

FREQUENT

Mor.Germ.

cellers, as they cavxing found in the Souricel

Danish and

Blackst. b.

FREQUENT Councils of the fame fort were continued under the succeeding Danish and Saxon monarchs, as we learn from their respective codes of laws, whose titles usually mention them to be enacted, either by the King with the advice of his Wittanegemot, as ' Hac Sunt instituta qua Edgarus rex consilio sapientum suorum instituit," or by the Wittanagemot with the advice of the King, as ' Hæc funt judicia quæ sapientes confilio regis Ethelftani instituerunt,' or by the concurrence of both, as well as that of the prelates, as ' Hac funt institutiones quas rex Edmundus et episcopi sui cum sapientibus suis instituerunt. med; a souncil which men

ewice in the year, (iffyxx o Musor

In all this time we perceive no mention made of the Commons as having any part in the government of the nation. The Wittanagemot certainly did not include them, which are always mentioned mentioned as principes fatrapae optimates magnates proceres. They were alike unknown to the Franks, Burgundians, and other German nations, who priding themselves solely in that martial spirit, by which they subfifted, held industry and commerce of little account, and acknowledged but three ranks of fociety, nobles, freemen, and vasfals. The attention of that Third estate of government is principally employed in legislation or taxation; but legislation was of little confequence among those who were governed only by custom. The idea of the people's right in taxation was then wholly unknown. We must therefore have recourse to more modern times for the diffinct rights and duty of constituent and representative, to times when trade has ceased to be infignificant, and freemen no longer fubmit to be vaffals - Times which I would wish to look up to as favourable to Liberty, but the fuperior obligation I am under to Truth, the

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Res dura & regni novitas,
oblige me to regard as alike inauspicious to Liberty and liberal Polity.

XXVIII.

Norman Conflitu-

Glanv. l. 9,

IT is true we meet with an Affifa generalis under the Princes of the Norman line. This may feem at first fight to favour the pretensions of the People, but we are not to expect any extension of privileges from thence. The violent CONQUEROR who first introduced foreign mercenaries into England, however he may pretend to the right of conquest, or even of inheritance, was no friend to the banner of Liberty. His attendant Barons were his only Council, who looked upon the English as a prostrate nation, which they were entitled to keep in vassalage. The military spirit of those sierce adventurers, the consequence of the feudal constitution, while it feemed to support the character of English freedom, was as fatal to that of the native proprietors,

prietors, as it was unfavourable to the pretentions of commerce and industry. Animated with the ideas of Norman independence, which was still further encreased by the large grants of land they obtained, they were with difficulty kept in subordination by the Monarch, who owed to their affistance his new acquisitions, longer than their prompt obedience feemed necessary to the fettlement of the conquered country.-The same observation may apply to the English nobles prior to the Conqueror, with respect to the Kings his predecessors, no less than to the Nor- Hume, 1, man nobility, with respect to his succeffors. The commutation tax of Henry II. perhaps gave the latter but too good a plea for their excesses. Yet whatever their excesses may have been, they certainly ought to receive a favourable judgment from Us, who poffess by their means a constitution, perhaps not to be equalled on earth; but the abuse of which cannot be therefore

too cautiously guarded against, according to that antient maxim, Corruptio optimi pessima.

XXIX

Such was the first estate under the Norman government. As to the fecond estate, though they had the denomination of free, they were in reality no better than humble retainers to the Nobles, under whom they held their lands at pleasure, and who occasionally employed their affistance in curbing their Kings. The third estate, or great Body of the People, were literally flaves, yet not incapable of being advanced to freedom. Such as were in use among the antient Romans, and such as are at present to be met with in Poland, Ruffia, Denmark and Germany. A humiliation that was by no means thought derogatory to the national character of freedom; nor was ever utterly hopeless, their arms being still in their hands; and which was also confiderably alleviated by the different charters they obtained, and the gradual naturalization, and growing humanity of the Normans.

I know it has been pretended, that there were three estates of government No third Estate in among the antient Gauls and Germans. Tacitus mentions the people's participation in the great Council of the latter on particular occasions, 'De minoribus rebus principes consultant de majoribus But this, if true, would be far omnes. from fetting up a distinct Council of the Commons; still farther from setting it above the superior Council of the King. But what might be perhaps allowable in a barbarous state, must yet be wholly inapplicable to a civilized country.

LINE LIXXX

THE Gauls, from whom it is pro- Gallie bable we are immediately derived, had I allow,

Cæf p. 2, &c. Strab. p.

I allow, republican governments among them in the days of Cæfar and Strabo. But if this is indeed, a defirable form of Polity, how far were they from poffeffing any of its advantages. Those republics were aristocratical. They included all the inconveniencies of kingly gove, nment, without any ef its persections, unless these aristocracies were finally subordinate to one Chief, a pofition which I think highly probable. From whence then should the Britons obtain this boasted democratical power? They had it not from the Germans. They could not have it from the Gauls. Yet Mr. Hume afferts, in one breath, that the antient British and Gallic governments were the fame; that the former were monarchical, and that they were free-What a jumble of inconfistencies! Yet however inconsistent, every part of the affertion is not equally false. It is true that they were monarchical. This is alike affirmed by Strabo, Diodorus, and Mela. It is no less true, that

H. Britains.

Strab. p. 306. Diod.p.347. that they were free, freedom being only to be secured under a kingly govern-But if by this freedom Mr. Hume means a democratical power to controul the King and his great Council, fuch a falsehood can only be founded upon the weak authority of Dion Caf- compare p. Динирадыйся шь жыйы. who alfo P. 957. in this particular, contradicts himfelf, as has been fufficiently shewn by the Whit Man. learned and judicious Historian of 8vo. Manchester.

1280, with

XXXII.

FROM what we have feen of the Polith or Wittanegemot of the Saxons, it appears Councils. how incompatible the dignity of that great Council must have been with such a diforderly pretention in the people. Nor are any of the modern Diets in whith of Poland, Germany, Sweden, or the States of France which now no longer exist, (the fatal consequence of tribunitial violence) a whit more favourable to this pretension. If possible their Parliament are still less so, being no better

ban

Parl. p. 72.

than

than fubordinate Courts of Justice under the controll of the King. So that if we are to derive from this nation the practice, as well as the name of Parliament, the democratical power must be wholly given up. So ill has been our success in modern researches, that such as still desire to establish this claim upon precedents, must be under the necessity of searching surther for precedents somewhat more sayourable.

XXXIII.

The great error of British politicians. I HAVE already observed, that it has been long the desire of popular speculatists to establish that democratical principle upon the remote foundation of antiquity, which they have not been able to support upon any more modern authority. Even innovators are so conscious of the power of precedent, that they wholly overlook the absurdity of setting up antiquity as the basis of innovation. But this is not the only absurdity they are guilty of, they have

had the misfortune to overlook every thing that was fuitable in those precedents, and to force into the fervice every thing that was inapplicable. will first shew what they ought to have chosen, and then proceed to what they bave chosen.

XXXIV.

THE wife governments of the world Limited conducted by a limited Monarchy, not the only true parallels to the British constitution, would have been improving exercises for the political attention of a British subject, and furnish seasonable hints for a judicious Reform, were a constitutional one indeed in his contemplation. The antient empire of Egypt, the fountain of subordination and true Polity, which subsisted for fixteen centuries, possessed of an hereditary Prince, and an august Senate; conducted by equal laws, to which People and Prince were equally obedientamong whom innovation was a pro-

Herad. 1.2. Diod. 1.1, f.

digy-who never attempted to control their King or his Councils, or allowed that any one had a right to control them-who honoured their good Princes as Gods, yet subjected the bad to a posthumous trial; who considered the rifing generation as the proper concern of the State-Such was the nation that were entitled to preserve their constitution entire for a length of ages. The admirable Commonwealth founded by Theseus at Athens under a Pritaneum of sage counsellors, where the King referved to himfelf the command of armies, the nobles were entrusted with Magistracy, and the People bleffed with Freedom-Above all, the inimitable constitution of China, whose source, like the Nile, is hid in the clouds; whose Monarchy is subject alone to the Laws; where the most important revolutions are effected with the most perfect silence; where virtue is diligently cultivated and rewarded; where the perfect obedience

dience in small matters, secures those of greater moment-whose great Council, erected upon the wife constitutions of Confucius, exempt from the violence of the people, has remained unshaken from the earliest ages, and may be expected to endure for ever. What is this but to attain the true end of all Polity, to preserve perfect subordination, and to fecure the public happiness? And if we inspect the Eastern Empires who had the first power to prescribe, and are entitled to the last appeal, however we may suppose them to be corrupted at present, they will be found to possess the same principle.

XXXV.

Such are those improving parallels that the Demagogues designedly overlook, while they run to every corner of the Earth to search for inapplicable and perishable republics. What have we to do with that insignificant, transient, and unquiet thing a republic,

Republics their proper Models. who are happily born under an bereditary Monarchy? What have we to fear from arbitrary power, who live under a limited King? But the idea of Monarchy is a Bugbear to these Levellers. I wonder they do not deny the existence of all Monarchies, as some Writers have been hardy enough to deny the existence of antient Rome.

XXXVI.

They everlook Monarchies,

and mifrepresent Republics Nor have they been yet more fuccessful with regard to their Republican Models. As they have sedulously overlooked the Monarchies, they have been equally careful to misrepresent the Republics.—I shall now briefly proceed to amine the chief of those models, and how far they are agreeable to such an idea. I must, however, repeat, that what may have been thought safe, or even necessary to an incipient State, is not therefore suitable or safe to an adult one, a tenet in which I am authorised by Blackstone.

L. 1, c. 1. f. 2.

Such

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XXXVII.

Such a constitution is supposed to be Exemplithat of antient Rome, if we can depend upon accounts, which are allowed even by their own historians to be apochryphal. Though we will not deny the existence of antient Rome, we may yet be in doubt about its primitive Government. Can we imagine that the high-mettled Romulus would voluntarily fubmit to so incompatible a mixture? I shall easily shew that he did not, as far as any accounts of those times may be depended on. He established indeed, a Senate, or fecond estate of his Chiefs which were occasionally encreased by subsequent Kings. attention to rank or property, was preserved in the centuries of Servius Tullius, an institution similar to those among the Germans and Saxons. As to the Plebeians, or third estate, they were confessedly dependant upon the patronage of the former; and though they

Liv. 1. 6.

Tac. de Mor. Ger.

they perhaps, might have been allowed a vote in Their Election, did not originally presume to be the Dictators of Laws. The well-known fable Menenius Agrippa, fufficiently ridicules this idea of a third power, and shews the absurdity of their claim. From the method of voting by tribes where numbers only were regarded, the æra of the Tribunitial Power, we are to date the first pretension of the people to an active part in Legislation, a pretension which had it not been partially repressed by Sylla, could not fail to have been immediately ruinous to that State-and that it was not effectually restrained, we may affirm to be the immediate cause of its decline, according to a prophetic observation of Polybius, which has been fince fatally verified! The antient Samnites are supposed to have been governed by a Diet elected by themselves. I know not what their Diet might might have

been,

Cic. de Leg. 3, 9.

Frag. 1.6.

been, but am fure it must have been hard of digestion.

XXXVIII.

THE same Republican principle, is Carthage. faid no less to have prevailed in Carthage, and was alike fatal to her Generals, and to the State. To this cause alone, she must impute the loss of Hannibal, to this her final destruction by the Romans. This I must also affirm to have been a corruption of the Carthaginian government, which originally confifted of Kings, or Suffetes, and a Senate of Nobles only.—It may be perhaps alledged, upon the authority of Virgil, that this Senate was in the appointment of the people;

Jura magistratusque legunt sandumque Senatum.

But we can answer, by the same authority, that it was their original Queen who bestowed on them these favours:

Jura dabat legesque viris .-

A remark which may equally apply to Rome, and to every rifing State.

XXXIX.

Athens,

OF Athens I have spoken already, and of the ruinous effect of the popular part of its government. I have only to add, that fuch an extension of Democratical Power was never within the intention of Solon, whose wife maxims could they have been really restored by Antipater, would have been the effectual renovation of that State. Thebes, it is wholly unnecessary to fpeak, having subfifted too short a time to furnish any plausible plea to Demagogues .- And if fuch a conftitution was established by Lycurgus at Sparta, I suppose it was to keep pace with the wife policy of having two Kings, a policy which I should equally reprobate at Sparta or at Brentford. Nor were the popular practices of the Ephori more favourable to that State, than the turbulence of the Tribunitial Power to Rome. It is certain there were three orders of the State at Sparta, as every where else, Reges seniores, & Populus;

Sparta.

Populus; but this does not go to prove, any more than at Rome, that the Populus originally affumed an active share in the administration. On the contrary, we know by its ill effects when they began to assume it in both. Luckily, in all infant states, they are too dependant to do fo, and whenever they begin to be otherwise, it is only to the ruin of the state. And it has been the general remark of Aristotle upon the Republics of Greece, 'that after they had cast off their Kings, they soon fell a prey to military power.' A remark which admits of no exception. It is no less certain that the popular commotions of Jerusalem, excited by demagogues, were the principal causes of, as well as the worst calamities in, the final destruction of that city. Add to this, that most of those pretended Republics were, (as Dr. Swift has justly observed) no more in fact than limited Monarchies. Nor however they may boast of a Republican Government

Plut. in Alex. Just. 1. 8, c. 1.

De Rep. 1. 4. c. 13. And Venice.

Iannot. de R. Ven. Mod. Un. Hist.27,15.

at Venice, will they find less disappointment there; the foundation of its constitution, conquest, wealth and prosperity, having been confessedly laid by its antient Dukes, and in confequence of a wise and timely abolition of the Tribunitial Power, towards the close of the seventh century.

XL.

From what I have said, it may sufficiently appear, that if we persist in deriving the Saxon and Norman constitutions from our mistaken ideas of antient or modern ones, we shall be after all obliged to confess, that in their approximation to democratical power, they wholly deviated from those models, or (according to the well-known practice of imitators) adopted only their worst defect, by introducing into Their plans of government that third principle which we have shewn to be as opposite to Nature, as history proves it to be fatal to States.

But

XLI.

Bu T if we inspect these governments more narrowly, we shall find they did not confift of three orders. It is true, their Kings were limited in power, but that limitation arose from the laws, not from the people. Their government was only a military one: the general was king; his nobles and ministers of state, his great officers; the common foldiers the body of the people. To which we may add, that the conquered nations were flaves, a description that exactly applies to the Norman conquest of England. then shall we find this boasted third power? Where the fimilarity to those antient states, so much infifted on by demagogues? And it has been the just idea of Tacitus, that such a heterogeneous mixture, if once established, could not long confift with the fafety of the state; an objection which Blackstone thinks to be fully answered, by the permanency

Swift, v.
19. ib. 260,

No third

Effare in
the Gothic

Govern

ments.

Ann. L. 4.

Blackft. Introd. §. 2.

or in the original British Constitu-

permanency of the British empire. It would be no difficult matter to prove, that this observation does not apply to the original British constitution, which did not confift, as I have already shewn, and shall hereafter more fully evince, of a mixture so incompatible: and if such a dangerous principle has been fince introduced, by the concurrence of causes, we are to look upon it in the light of Hercules' arrows, which, tho' unerring, were fatal to their owner; we are to affign to it, not the permanency, but the actual dismemberment of the empire. to what other cause but this principle prevailing in the colonies, are we to attribute the loss of America? To what, but to this principle prevailing at home, the mifguided emigration of our manufacturers hither? I will not fay, that we have been wholly without fault, but I will maintain, that they were far from being faultless; - I will not fay, that they have had no cause

to complain, but I will aftert, that the chief cause of complaint was in themselves :- I will not fay, that our government is conducted in the best manner possible, (as indeed what human institution, however perfect, will not deviate in practice?) but I defy that principle to produce any administration equally good, or to terminate in any thing less than the absolute anarchy of the Many, or at best the tyranny of One. And for this we need only appeal to the present situation of those colonies: nor does it require the spirit of prophecy to tell what must be their future estate;-The præteritorum memoria is quite enough for that purpose.

XLII.

Thus far I have gone to disprove the absurd and dangerous idea of a third power, inherent in the people at large, paramount to the executive power of the state, or qualified to The third Power what.

Hume 3.

Swift vol.

Blackst. Introduc. P. 19.

W. Malms
1. 4
Pugd. or.
Ju. c. 8.

to controul its great council; I will now ingenuously confess, that there was from the earliest times, a third power in the state, possessed of its full share of authority, though now almost wholly fet aside; -a third power that these idle demagogues little dream of, and less respect;—a third power established in wisdom and fanctity no less in England than in the other monarchies of Europe; a third power, not however distinct from the one great council of the nation, as in other kingdoms; but bearing a principal, a necessary and essential part in it; -a third power, out of whom the legislators, the pleaders, the judges were chosen. This great power is the Church-a name how odious to demagogues! how opposite to all their defigns! Its original neceffity in the state, resulted from the general ignorance of the Gothic nations in letters, religion, legislation,

and policy. The Church was in those

ages the depositary of every thing effential to be known. Such was the public utility of the Druids among the antient Gauls; fuch were the Priests among the Saxons. To the leading character of these sages, the Wittanegemot is indebted for its name. Such were those sapientes who bore a part in the councils of the fagacious Alfred, who complains that the great Hume. body of the people, in his time, were overcast with darkness, and wholly incapable of affifting him with their councils. Hume may pretend to be ignorant who these Wites or Sapientes were; but Hume is no friend to the Church. It is fufficiently explained by Brompton's Comites, Barones, and Cleri: it is fufficiently explained by Polydore Virgil, Confilium Principum & Sacerdotum. It is still further confirmed by the Saxon chronicle, which fummons all Archbishops, Abbots, and Thanes to Glocester, ad procerum conventum,

CTL de B.

Hume I,

It cannot possibly be conconventum. fined to persons skilled in law, as has been alledged by fome, fince we know of no written law prior to those of the excellent Alfred. No less was the rank of this order of men in all the great nations of antiquity. Such were the sepess and Pontifices among the Greeks, Romans, Ægyptians, Jews; the Magi among the Persians; Such was the to omit other nations. original dignity of this order, a dignity which they obtained, fays Swift, by the most justifiable means. It has been long a cause of complaint, that this order of men, in the succesfive changes of government, have loft a confiderable share of their dignity. They were excepted from the common privileges allowed to all other. professions, of obtaining employment according to their different degrees of merit or popularity, by the exclufive appointment of parish minifters,

Swift vol. 19. p. 291.

Seld. of Tythes, c. 1. 9.

sters, so long since as the time of They were deprived ib. 276. King Edgar. of their immunity from taxes under the Conqueror; but that seems to have been only a natural effect of the feudal constitution. Nor was their affistance so essential to the state councils under the enlightened Normans. They were still further deprived of their consequence, under King Henry III, when that Prince having fet up a distinct profession of the common law, they were finally excluded from the practice of the courts, Under his fucceffors, they fuffered a great variety of fortune; till a final blow was given to their affairs by the diffolution of abbies, in the time of Henry VIII. Nor have the revenues that still remain to them, been less pernicious to their interest, being chiefly an odious tythe apon land. Thus they have been at all times equally unfortunate, in what they have lost and what they have gained.

Spelm. 1217, Wilkins I, p. 574, 599. Swift 1,

THEIR

XLIII.

Its Decline

Blackst. of Parl.

Hume Stuart, 3, 254.

THEIR convocations are long filent. Yet upon pretence of these they have been wholly excluded from the lower house, and also sometimes from the upper; and they and the peers have equally loft the priviledge of taxing themselves, now exercised only by the commons; perhaps from their own acquiescence, perhaps by compactthough Blackstone attempts to assign other reasons which will be found little fatisfactory. They have been often looked upon as dangerous to government, only for their laudable ambition; a charge wholly founded in malice. They are men, and have the faults incident to humanity. They need not, however, complain to suffer the same charge that was alledged against Cæsar, when they confider who are their enemies;

> But Brutus fays, he was ambitious; And Brutus is an honourable man.

> > They

They have been no less unjustly arraigned, as the willing tools of every racter, administration, and have been content to incur the odium of popular demagogues for their acknowledged fidelity to their Prince. Thus they have been always exposed to the most opposite and incompatible charges. Yet it ought to be remembered to their honour, that the same implicit obedience they usually pay to their Prince, they can pay to the impulse of liberty and of their country, when they require their affistance; and that to the public spirited endeavours and eloquence of Langton, Archbishop of Canterbury, seconded by the intrepid Barons of his day, in opposition to a tyrannical Prince and the spiritual artillery of Rome, we are at present Hume Stuart. 2, indebted for our invaluable birth-right, in the possession of Magna Charta. Nor should we forever forget the loyalty 278. at once, and public spirit of the whole body of clergy, under King James

K

II.

II. (a very few excepted) who op-

posed that unfortunate King in his extravagant strides over the constitution, yet adhered to him in proposing a regency as foon as they conceived the dignity of the crown to be affected. A proof that whatever they may think of, maxim of paffive obedience, they have never suffered it to interfere with ib. 3. 11 6: the laws of established order. Nor ought the violent filencing of their affemblies by the usurper Cromwell, or their equally violent exclusion from the House of Lords on two different occasions, by the infolence of the Commons, in the time of the Charles's, be looked upon as less to their praise in the opinion of candid inquirers; fince fuch indignities would have never happened to them, could they have tamely submitted to change their principles with the change times. So true is, that they have been in all ages equally attentive to the just rights of the Prince and the People. Such

ib. 4. 110.

XLIV.

Such was the only council of the nation under the Norman line, and even this council was but rarely convened. 5wift v. p. 289. Nor do we as yet hear of any third estate of the commons. It is true there is a paffage in Polydore Virgil, that feems to add the reliqui populi to the the people great council. And the laws of Edward the conqueror, before quoted, record that the beretoghs or dukes, and sheriffs, were chosen annually by the freeholders in the folkemote. But the latter of these authorities has been given up as fuppositious by the best judges—the former is at best but a single authority and can be opposed by others equally respectable. It is afferted in the Saxon Walfing-Chronicle, whose authenticity has never been disputed, that the appointment of the great council, Dukes, Earls, Aldermen and Sheriffs, was a branch of the Royal Prerogative. It is no less K 2 positively

Swift v. 19.

Hume I.

The pre-tention of

ham, &c.

positively affirmed by Assur, a cotemporary writer, that Alfred deposed the ignorant aldermen and substituted others in their place. The expression therefore of Polydore, if it has any meaning, can only imply that an addition was occasionally made to the great council by permission of the King, from the inferior orders of the State; and from the variety of expressions applied to that great council, in the different ages of England fays Swift, we may reasonably conclude that it was not always composed in the same manner, neither is their any mention made Hume251. of the commons in the Charters of Henry 1st; or of Stephen. Charters were the fashion of that age, as Air-Balloons are of this. But those Charters were never enforced: They were hollow like Air-Balloons, and like them, the meer amusements of a day. It is true the Magna Charta of King John is exempt from this observa-

tion.

awift 19. 289, 291.

tion. But whatever folid advantages the people might thereby have obtained—the return therein directed to be made to the twenty-five Barons of Hume 2. twelve Delegates from every county, at the election of the freeholders to state their grievances, feems rather an occasional addition to the great council, than the permanent foundation of future Parliaments.

XLV.

IT has been erroneously imagined by some, that Henry 1st was the Swift 19. founder of the Houses of Parliament as they now stand. They have even ventured to fix that event to the fifteenth year of his reign. An idea which can only have originated from his fuperior eloquence and fearning, a circumstance which also might have induced him to defire a more frequent repetition of fuch meetings, than had been the custom of his predecessors.

But

XLVI.

Yet the People not the lefs happy.

Bur though the people in all this length of time, were not fully possessed of a regular representation or of intire liberty; yet we have already feen noble approaches to it, but fome luckily for the duration of their State, with an intention very different from that of setting up a Tribunitial Though we have already Power. touched upon most of them, it may not be amiss to recapitulate: It will at least serve to shew how little cause the people have had to complain in any period of English Government; and if they are manifestly possessed of advantages far superior to what they formerly enjoyed, what reason they have to be fatisfied with their present rulers, and to pride themselves in that Monarchy and that Aristocracy to which they are at once so indebted, and so averse!

UNDER

XLVII.

UNDER the Saxon Kings, they were indulged with mild laws, established by their own confent; and allowed to choose their Sheriffs, &c. by the generous permission of Alfred. The humanity of Edward the Conqueror, feconded perhaps by the spirited remonstrances of Earl Godwyn, restored the fame laws: Together with a compilation from those of Edgar, Ethelbert 196, 182. and Ina. The earnest petition of the ib. 282. people enforced by the prelates, obtained a revival of the same laws from the Norman Conqueror. The goodness of Edward 1st, established circuits in Eng- Howel Med.p.85. land, for the distribution of justicea favour which was afterwards extended to Ireland by King James 1st. In the greater and leffer Barons of the Magna Charta, Sir William Black- of Parl. stone even thinks he perceives the primæ lineæ of our present Parliaments.

I will

I will not deprive him of fo pleafing a delusion. But there are sufficient advantages in that Charter without hunting for imaginary ones. The right of the People, to petition for redress of grievances, also recognized by the same Charter, has been fince confirmed by innumerable Statutes; confirming also their right to laws established by com-Nor, though it does not mon consent. properly belong to the same period, can we here omit the abolition of villenage in the reign of King Henry VII, owing to the generofity of that King; or even the extention of the fame to Scotland, under the politie Cromwell. Other favours of this fort conferred by the same usurper, have been afferted by Mr. Hume, to proceed from a spirit of liberty. have rather reason to suspect that they originated from a spirit of innovation. Timeo Denaos vel dona ferentes: The Petition of Right, the Habeas Corpus, the settlement; are all further corroborations of this great birth-right of Englishmen. If the people should prove ungrateful for such singular privileges; what is this but to use their liberty for a cloak of licentiousness?—what is it but to imitate ' the deaf Adder that resuseth to hear the voice of the Charmer, charm he never so wisely'?—what is it but to become literally that frozen Adder in the sable, that turned its venom against the life of him who had softered it in his Bosom?.

XLVIII.

Nor were the people of England for many ages, without another glorious privilege, a joint right with that of the great council of prelates and peers, in giving a fanction to their elected King, when the direct hereditary line had failed. This is evinced by the plea of Harold against the pretention

rossessinal seem of

Though their best Priviledges were.

[74]

W. Malms

Carte A.D. 1136. R. de Hagusted 314. Hearne ad G. Naubr. 711.

of William the Conqueror, that it was absque generali senatus et populi conventu et edicto, a plea that was however superseded by force of arms. Yet fo little was the Conqueror himself satisfied with the right of arms, that he endeavoured to fet up the more prevailing right of inheritance. Of the same popular kind, was also the favourite title of Stephen. Ego Stephanus dei gratia assensu cleri et populi in regem Anglorum electus &c. The law of succession to the Crown of England established under Edward the III, and its different changes under his fuccesfors Henry IV, Henry VII, Henry VIII, Queen Mary, and Queen Elizabeth, were all exertions of the same privilege, after the institution of Parlia-The famous bill of exclusion in the reign of King Charles II, which however did not take effect, was only an affertion of the same inherent right: The revolution in 1688, the fubfequent declaration of the convention

[75]

of Lords and Commons in favour of the Prince and Princess of Orange, and the Statute under the fame reign disposing of the remainder of the Crown; were further manifestations of this right.

XLIX.

Bur let not the people imagine that they are possessed of this great Blackst. B. privilege otherwise than by the favour of their Kings. The acknowledged The gift of hereditary right of their Kings can be Kings, traced back to three hundred years before Egbert. It has been allowed by the people themselves, in their perpetual adherence to the Royal blood; even whenever they exercised the right of election! It appears to have been acknowledged by the great conventions, from the care they took to procure the royal ratification to their proceedings afterwards—a circumstance that ought to, be a warning to all H. I. c. I, future conventions who take upon

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Stat. 12. Car. 2. c. 1. 13 Car.

themselves

ı Sid. ı.

themselves to meet for political purposes, unauthorized by their King! It has been no less allowed by the ablest lawyers of every age. It is true this right of the people, though acknowledged by Harold for his own purposes, seems to have been little known to his predecessors; their right if ever it came in question, having been determined only by the Wittanegemot; nor was the superior right of Edgar Atheling, (the hereditary Prince) ever doubted by the best judges. The reader will perceive that I have purpofely omitted the imprecedented trial and fentence of King Charles I, in this detail of popular privileges - the infamous judges, or rather murtherers, of that day having impleaded him as an elective not an bereditary King ;-a title as foreign to the crown of these countries, which has been always possessed by right of descent, except in a few instances, as the excesses of popular fanaticism, and the violence of military usurpation, are to every idea

Blackft. B.

1, c. 3. p.

Mat. Paris

A. D. 1066. Blackst, ib.

Mat. Paris A.D. 1066. Stand 15. Edw. 3.

\$ 2.

of a free Government, and a standing argument (says Blackstone) in favour of hereditary monarchy to all future ages.

L.

To return from this short digression if it can be justly considered as such: These were noble advances to freedom perhaps the utmost that a feudal and ' military age was capable of: To be ' possessed of full, perfect, legal, and equal liberty, would require an age of superior refinement, and information as well in the people as their ru-'lers.' Such has been the remark of Hume: but where are these advantages to be realized? Where is that age of full information, that can render legal liberty fecure?-How exceedingly different from this is that knowledge and that liberty that the Many so thirst after?—a liberty which were as unfafe for the people to possess, as it might be a proof of generosity in the Prince to bestow

bestow, or of spirit in the nation to demand; and a knowledge of fanatic and republican fystems, which has been already the bane of these nations; how much wifer were it to fix a limit to both, 'Thus far shall ye go and no further'. I have only to repeat, what onght never to be forgot to the utter confusion of popular incendiaries; that all these benefits, whether they were originally owing to the voluntary motion of the Kings, or to the intrepid exertion of dignified Prelates and Barons, were only and ultimately the grant of the Prince, and in nowife obtained by the exertion of Tribunitial Power in the People.

LI.

In all this time there were no Commons, nor needed any; had there been any they must have been, like the reliqui populi of original Rome, unpossessed of a tumultuous and dangerous consequence: The time for tribunitial exertions

exertions was luckily not yet come. The peers and the prelates, still kept their dignity, and the people acquiesced in a peaceable subordination to both; or if there was any commotion, they acted only as feconds, they did not yet pretend to be principals! They did not yet venture to arraign the influence of their King, and his Peers: They lived contented with the laws of Alfred, and the precincts of Magna Charta. If this was an error it was a happy one, it was an advantageous one; Fælices errore fuo; how much less dangerous to the State, than the injudicious exertion of a republican power? This is one of those quack remedies that ought never to be applied but in the most critical cases. It may be justly considered as a two edged Sword which is no less fitted for destruction than for defence. I would be glad to ask with all our learned and complicated improvements, what more can we boast of at present,

present, than the Habeas Corpus, the trial by juries, and Magna Charta those best jewels in the diadem of English Liberty! Those precious legacies of our Saxon and Norman Kings, Prelates and Barons! The Habeas it is true, was not obtained till the time of King Charles II; but its foundation was laid in the principle of the Magna Charta.

Hume 4.

LII.

First Parliaments whence. HITHERTO we have heard of Councils, we know nothing of Parliaments. That name was the original growth of France; we find it first assumed by the general assemblies of the States, under Lewis VII, in the twelfth century. Losing its consequence at home, it determined to try a more favourable region. It emigrated to England in the reign of Edward I. Yet Blackstone ventures to auspicate, even from French Parliaments, the renovation of Gallic liberty: Quod fælix fanstumque sit; may the

Stat. West.

the prophecy be a true one! But if that day should ever arrive, may they attain, not a tumultuary and turbulent, but a legitimate liberty: On this head we may safely trust to the confession of the oracle of demagogues—' where ' there is no law', (says Locke) ' there ' is no freedom'.

LIII.

The infancy

We are now come to the great ara in the popular constitution of England, the first regular summonses of the Commons to parliament; but even here we shall in vain expect to find the least traces of tribunitial power. They were so far from entertaining any idea or defire of distating to, or disturbing the State by that means, that they looked upon the right of representation as a grievance, rather than a privilege; and the representative looked upon his attendance as a bardship, not as a favour. This great event happened at Marlborough, in the 49th of Henry III, and

Douglas, Intr. § 1. Note (F).

Howell Med. 81. was principally owing to the spirited exertions of the Peers: But however it might be defired by the Peers, against the King, it was certainly granted by the King, for the diminution of the Peers: But let the motive of both be what it would, the people were benefited, and ought to be thankfull. There were four Knights Commissioners to be returned for every shire. In this fummons were included all the counties, and only two cities, London, and Lincoln. The usual writ of summons shews for what purpose these returns were defigned to be made; they were there faid to be convened only by the advice and confent of his Majesty's Council to treat and have conference 6 Inft. 14 with the prelates great men and peers, concerning certain arduous and urgent affairs of his faid Majesty, his Kingdom and Church.

LIV.

THE following reign presents a new period in the infant history of the Com-

mons-

mons-the right of taxation voluntarily refigned by the excellent Edward I; but let not here the people be misled by their demagogues to misconceive the intention of that enlightened King. The privilege was not refigned to them alone, it was alike conferred on the Prelates and Peers, and luckily the people of that day were in no condition to affert an exclusive claim. To this reign we are also to refer the royal institution of Boroughs; nor can we conceive this to be done for the further aggrandizement of the people who were fufficiently represented already. It ought therefore rather to be confidered as a prudent provision against their increasing power.

LV.

Thus the Commons were originally constituted by enlightened Princes and spirited Prelates and Peers, as a firm barrier, against the excessive influence

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of

Howel ib. 84.

of either, containing also in themselves, a remedy against the dangerous power of the people; and thus they continued under several successive reigns, flourishing with a perpetual extension of franchifes to towns cities and boroughs, possessing a filent but safe power, equally to the advantage of the people and their rulers, before the influx of wealth had destroyed subordination, or speculative knowledge had buoyed up ambition; and this we are to look upon as the perfect manhood of British Parliaments: While the commons were content with their own place and had not yet conceived the flattering yet pernicious idea, of a popular government.

The Manhood

LVI.

But a third and melancholy period was yet to arrive, under the VII and VIII Henrys, when a Statute of alienations should lay waste the Peerage, and the dissolution of abbeys the Church

Church: thereby forever destroying an influence which had for fo many ages fecured at once liberty to the people, and dignity to the Prince. The people 'faw their day and were glad;' grown rich by the gradual encrease of commerce, they were ready to purchase the lands that lay open to them—they did purchase them. The consequences were fuch as might have been expected; The insolence of novi bomines who have wealth, and the ambitiofa paupertas of those who have none; 'the toe of the peafant comes fo near the ' courtier's heel that it galls his kibe's The antient Romans hoped to counteract fuch an effect by fumptuary laws; the Jews by a prevention of perpetual alienations - our Saxon ancestors by a Statute of entails; - but how vain were all these precautions against a tribunitial spirit! To this zera we are to refer the beginning of the declenfin of Parliaments. I would not be understood

Douglas Introd. understood to mean a decline of the popular power which was evidently encreased, but a decline of that just fubordination which is fo effential to the fafety of the State, and to the true character of Parliaments.

LVII.

Bur this was not however the pe- The deriod when that deviation become most Britishparapparent. However the influence of the fun is manifestly greater in summer, it is not until autumn we experience the most intolerable heats. Though the power of the people at this period, greatly overbalanced that of Peers, Prelates and Prince; yet the firmness of the Tudor administration, their economy and independence, rendered them little apprehensive of the danger of popular commotions. Add to this that the tribunitial power was new and required time and opportunity to mature it. The people were

were still not wholly independent of the crown or peerage, and had not yet conceived the bold idea of setting up a separate interest, by means of that very power which had been given them for the service of both.

LVIII

-mensilih a stabbere

As the Tudors, while they were conferring privileges on the people, yet had originated Boroughs, as a necessary check upon fo dangerous a power; fo that magnanimous line, as well as their fuccesfors till the time of King William, still continued to multiply them to the encrease of their own dignity, and as a perpetual barrier against the encroachment of the commons. the Princes of the house of Stuart, not possessed of the same ability and œconomy, foon found the infufficiency of this barrier, against the encreasing weight; however enlarged and strengthened, it still wanted a Tudor to support

it: They had not the good fense to perceive that the government was reduced by the late changes to a popular foundation, and that they were no Tudors! They were therefore obliged to attempt the reduction of this overbalance, by expedients as dishonourable to themselves, as pernicious to the people. What were thefe expedients and their consequences will prefently appear. It may be alledged, that these unfortunate Princes had greater difficulties to struggle with, and required far greater ability than their predeceffors: They had to combat at once, religious enthusiasm, republican phrenzy, and the diffolute manners of the worst age! These might perhaps have been difficulties had they presented themfelves to the house of Tudor, but to the Stuarts, they were unfurmountable! Yet the wisdom, patriotism, loyalty and moderation, displayed in the act of Settlement, shew that the worst effects

of tribunitial power were not to be apprehended by William III: This advantage however we may impute no less to the steadiness of that King, than to the prudence of his Parliament.

REPORM! XIT DA

We know what perpetual diffentions disturbed the administration of Anne, as well as the concluding years of her predecessor. The damon of popular discord went forth, and has never been laid since. From this period we are to commence the fourth and last stage of Parliaments:—

- " Ever fince their way of life
- " Is fall'n into the fear and yellow leaf :
- " And that which should accompany old age,
- " As honor, love, obedience, troops of friends,
- " They must not look to have!

But what can we expect better from the delegates of those who boast that they are wiser than their Teachers, and greater than their Rulers; who think N themselves themselves privileged to break into the most sacred recesses, as Satan of old invaded paradise; who consider every diviation from their crude ideas of policy, a just plea for turbulent interference; and sanctify outrage by the specious name of Reform! What can the representatives of such electors be but those long since described by Virgil in his infernal Parliament?—

Metus, et malesuada fames, et turpis Egestas, Ferreique Eumenidum thalami, et Discordia Demens, Vipereum crinem vittis innexa cruentis.

LX.

The Author's Caution.

I believe I need not remind my reader that I am only speaking of those parliamentary demagogues that so infested the latter years of King William, and the reign of Queen Anne. To criticise upon present councils would be, (if it were indeed necessary)—

Incedere per ignes Suppositos cineri doloso:

But

[9r]

But luckily the tribunitial spirit however prevalent out of doors, is not fo triumphant within; add to this, that it is confessedly safest to attack a dead Lion: I know some people are too ready to speak of an Ass in a Lions skin, and of the Ass in Æsop that was punished for taking unwarrantable freedoms with his master; but those fables do not apply to Me; I so respect a living Lion that I would do homage even to an Ass in his cloathing.

DURING the reign of King William, Present we find no new change made in the Parlia-State of Representation. The union of Wales with England, under King Henry VIII, had already added twenty four members to the number: That of Scotland in 1706, forty five more; thus at the demise of Queen Anne, the parliament, which in the time of King Henry VI, counted only three hundr-N 2 ed.

ed, ought to have comprized five hundred and eighty three members, but in reality, confifted only of five hundred and fifty eight, some of those additions having been meer renewals of Charters for places whose elections had fallen into difrepute; and fuch was its state, at the accesson of the heirs of the excellent Princess Sophia! A state which it has preserved without innovation down to the present time. I am aware that Douglas supposes the power of altering parliaments to have been refigned at the Scots Union, under the idea that any new change would destroy the relative representation of the two countries, which was then finally fettled: What he alledges might prevail, if one alone was to be confidered: but might not fuch a change be made in both as would preserve the fixed proportion? And how will his reason account for the above mentioned nonchalance of King William, who was pri-

Introd. Note (C)

r[.93]

or to that union? And why may not the same motives that actuated that King, have an equal influence upon his fuccessors?

FROM the foregoing faithful account Remarks thereon. of the progress of past Parliaments in England, the following conclusions naturally refult:-

FIRST, That as well in the first Glanv. Rep. Pref. creation, as in every subsequent change, Somers's if we except a very few cases (which Tracks, &c. were confirmed by act), the royal prerogative alone was exerted.

SECONDLY, That even if we should wave the original institution of Bo-ROUGHS, so early as the time of King Alfred as not in point to our present purpose, they are yet confessedly as old as the reign of Edward I, and must be confidered as an effential part of the English Constitution.

WINTER!

THIRDLY,

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THIRDLY, That parliaments in general, were originally instituted to assist at the King's councils, but by no means to direct them.

FOURTHLY, That Boroughs were more particularly defigned by a wife precaution at once to conciliate the Peers, and to support the interests of the King, whenever the county reprefentation should be found to counteract them. An important truth which the frequent aspersions thrown by popular pleaders, against the pretended tyranny of writs of election, feems abundantly to confirm. It is also a well known fact, that there are upon record feveral instances of fingle houses being erected into Boroughs both in Great Britain and Ireland, upon the avowed motive of being constitutional rewards and incentives to the loyalty of individuals; the propriety of which proceeding was never called in question, untill the prefent time.

Douglas cafe of Abingdon.

FIFTHLY,

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FIFTHLY, That Boroughs can only be confidered as culpable and confequently a proper subject of reform, when they are employed to support a Tribunitial Power against the peace of the King, and his Realm; an imputation which has lain against British Councils so long ago as the time of the Historian Tacitus, and which methinks it is now high time to correct.

Olim regibus parebant nune per prin- Vil. Agrie

cipes factionibus et studiis trabuntur?

LASTLY, That elections for particular places having fallen into difuse in the times previous to Queen Anne; were esteemed a proper cause for the Royal Interposition; which has Pouglas Note (C) been always exerted not to destroy them, but to restore them; except in &c. a few instances: As, by particular application from themselves on account of the charges attending such a franchife, &c. As to the popular topic of corruption lately alledged against them.

Douglas &c.

them, which was wholly unknown to the earlier ages, we shall presently take occasion to examine the justice of the charge. When the people as I lately observed, grew weary of paying their representative; was it not worthy of the generosity of Kings to continue to them such a privilege?

LXIII.

Et nunc immensum spaciis confecimus æquor:

Let us stop and take a view of the regions we have passed. Behold two opposite and contrasted pictures: SUBORDINATION, PEACE, INDUSTRY, PROSPERITY -POLITICAL FRENZY. DISCORD, IDLENESS, RUIN. On one fide; those glorious Parliaments that originating as they ought from the Fountain of honor, conducted the public business for a series of reigns, and had not yet lost their distinguishing to charasteristic, under the Princes of the House of Tudor. That magnanimous line, were at once too firm to be dependant on their people, and too generous

not

not to submit to their reasonable pretensions. The last of that illustrious House, though perhaps the most defpotic of all our Princes; raised England to a height of glory and of happiness that has been feldom equalled, certainly 122. never exceeded fince. Such a Parliament was at once calculated to add splendor to the Throne, stability to the government, and fecurity to the subject. The King could not be in danger from the steadiness of his administration; the people need not be afraid while they hold the Sword in their hand. Such a Parliament, it is true could not be the road to unrespectable honor, but it could never fail of its due consequence, while it possessed the power of originating laws and the disposal of the public money: Let us take leave of it with the Eulogium it deserves. ' Et ille qui-' dem plenus annis abiit plenus bonoribus ' illis etiam quos recufavit!'

Hume Stuarts l.

Plin. Ep. L. 2.

0 0

Exive similar or and

On the other fide, a Parliament that professes itself to originate meerly from the people, whose members confider themselves as Tribunes appointed to act in opposition to the other departments of government; however it may pretend to support the interests of the people, is in fact taking the most rapid strides to their and its What can be the own destruction. effect of these republican councils, but the fame military tyranny that was formerly fo fatal to Rome and Greece? What is it but a revival of the Trojan Horse with an armed convention in its belly?—

O patria! O divum domus Ilium et inclyta bello Mænia Dardanidum!

But while I am expressing my concern at the political violence of those who stand at the corner of the Streets,

With open mouth swallowing a Taylor's news'

I am fallen insensibly into the practise
I condemn; let us have done with this
melancholy

melancholy topic, - Gods I grow a talker! molene waterman at any

To what principle shall we impute Causes of the deplorable increase of this Tribunitial power, fo dangerous at once to the Prince, to the Peers, to the Prelates and to the public safety? From what has been faid, we may eafily trace it to the following causes:-

- Ift. To the generofity of Henry II, which, when it granted the right of representation and taxation, was wholly unaware of the dangerous and monopolizing power of the people, or looked upon the influence of the Peers and Prelates as sufficient to counteract it.
- 2d. To the magnanimity, independence and economy of the House of Tudor; which, while it studyed to deminish its natural rivals, the Prelates and Peers, was not afraid to confer new privileges on the commons: still referving 0 2 willid

referving to itself a necessary cheque upon their repeated violences.

HumeStuarts 1. 52 3. 243 4. 111, 3d. To the weakness, tyranny and want of economy in the House of Stuart, so different from the firmness of the House of Tudor, which reduced them to a mean dependance on the people, by whom they were at once despised and dreaded.

ib. 23.

4th. To the gradual increase of literary knowledge, which diffusing savourable ideas of the ancient republican governments, tended to excite a demon which nothing less than satal experience could lay. I would not be understood to mean that such is the natural tendency of knowledge, but such is the effect of imperfect light transmitted through the jaundiced eye of fanaticism.

5th. To the almost total extinction of the Norman Peers in the troubles of King Charles I; as the Saxon nobility

bility had before been wasted in the fatal Battle of Hastings.

6th. To their acquiescence under ib. 3. 321. the exclusive right of taxation, assumed by the Commons, in the time of King Charles II: An acquiescence which yet could never have happened, but for the depressed state of the peerage at that time-and which however fince submitted to, has never been given up.

7th. To the puritanical principle ib. 1. 91. grafted upon the republican in the time of the Protector, a mixture equally fatal to the Legislative, the Executive and the Spiritual Powers.

8th. To the subsequent anarchy, infidelity and immorality, the natural effect of the contrary excesses in a preceding age; paroxysms of heat and cold in the body politic no less than in the pathological state of the natural body, being always inseparable from each other.

9th.

ib. 4. 337.

9th. Above all, to the fallacious idea that all power originates in the people, and that these, like Lord Peter's crust of bread, are virtually King, Lords and Commons in themselves:—

Ex illo ruere et retro sublapsa referri Res Danaum.

LXVI.

Mem. p. 3. Appen. p.

A contemplation of fuch opposite exceffes as thefe in Princes and People, led Sir William Temple to conclude that though a King alone cannot fave a Kingdom, yet a King alone can do very much to ruin it; and though Parliaments alone cannot fave a Kingdon, yet Parliaments can do very much to ruin it.' With regard to his first remark; how much more truly might the accomplished Statesmam have said that a King who feeks to ruin a Kingdom will more certainly ruin himself; an observation that has been literally verifyed in the Stuarts. And whoever confiders attentively the course of English History must perceive, that if ever the Kings were defirous of abfolute power they must have been in all ages effectually precluded-the Normans and Saxons by the exertions of fpirited Barons-the Tudors and their fuccesfors by the encreasing power of the Commons.

LXVII.

I am forry I can still less agree with the excellent author in his observation order upon Parliaments. For that Parliament, can fave a Kingdom, the glorious revolution of 1688, may evince; and if we allow what has been long ago determined by the fage Lord Burleigh, B. 1. 6. 2. that England can never be ruined but by her Parliament; we must admit as a necessary consequence, that Parliaments can ruin a Nation, and that the only danger we ought to guard against, is the excessive power of the people, our Government resting at present, as it has long done; principally on a popular foundation. The superior power must have always been fensible of this, but from a variety of causes in different

what.

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The different expedients

Douglas Cases Introd. 3 1.

ages, appeared little to attend to it. The Normans had not occasion to counteract it, more than by a Boroughinterest, in which however they seem to have taken little concern. The intrepidity of the Tudors did not even fear to encrease it. The last and greatest of them did not hesitate to make her boast of it. The house of Orange was too cautious to dread it; that of Hanover, were too well established to regard it. The situation of English Kings in fact requires expedients, and there are expedients and antidotes that may and ought to be tryed. But fuch have been rarely tryed by those who had most occasion for them. The weakness and obstinacy of the the Stuart line while it required the most effectual, was only qualified to chuse the most incompetent ones.

LXVIII.

that have been employed The first of that line was not, like the wise Elizabeth, satisfied with an extensive power established upon a popular pular basis: He conceived the bold by the idea of contracting the basis and encreafing the power; he created a new power upon a narrow foundation, but that foundation he boasted to be divine. This expedient might have fucceded in abler hands and in other times. It was the expedient of Numa, but James I. was not a Numa. 'He was a · Prince' (fays Blackstone,) ' of more learning than wisdom.' The age of right divine was over, as well as the consequence of the church.

LXIX.

IT was the just maxim of King James I. that Kings are not to be flaves to their Subjects—how happy had he also adopted the converse of that proposition, instead of the rash opinion he embraced, that subjects ought to be flaves to their King-how much wifer had he been content with an allowed title by descent, instead of a disputed divine one!

THE

THE errors of the Father were continued in the Son. The same pious plea of right divine so little relished by the nation, if it succeeded but feebly with the former, became fatal to the latter: A pregnant proof that arbitrary measures possess the least power, and that even royal piety requires good sense for its counsellor.

LXX.

Upon the death of Charles I, the popular foundation fwelled again-how much better had it stopped before it was grown to a tympany! It continued fwelling without intermission till it rose into an immense Pyramidal Balloon; and that nothing might again impede its exaltation, it was charged by the aerostats of that day with a combustible fanatical spirit. A political Pyramid, no less than a Geometrical one; however high it may be, howits basis may be extended, must at length terminate in a point. sharp point the nation felt in the tyranny of Cromwell. But luckily for the nation

nation and royal family, the point broke off before the wound became fatal to both; the Balloon burst, and the inflammable gaz evaporated.

LXXI.

EXPEDIENTS that had been fo far from fuccessfull, came but ill recommended to Charles II; he little approved of the broad basis; he still less approved of the inflammable gaz, nor had the narrow basis of right divine been more advantageous to his predeceffors; however he still adhered to a narrow basis, but a new one and a politer one. This was the celebrated court party that originated under that King, and has been so fashionable an engine of government ever fince; but it was very different from that court party that fo unfuccessfully supported his royal father. They were not Falklands or Newcastles; the Falklands were now no more, nor would even they have been sufficient. The courtiers of this reign were a very different

P 2

ferent fort of men indeed; they were novi homines, the meer whippers-in of a court; they were as volage as Jessamy, 'all fashion no weight!' This light armed band he attached to himself by a tie as light as themselves, to which the vulgar have annexed the title of Bribes; and lived long enough to experience how light indeed that tie is, when set in opposition to the general interest and wishes of a nation—so much superior to corruption is principle!

LXXII.

His successor James II, wisely perceived the sutility of all these expedients when single. He thought of a new one that should unite all the strength of the rest. This was a persecuting Church and martial Law: This complicated party may be termed the church militant; however sanguine his hopes, it succeeded even worse than either would have done singly; so that (says a judicious author) 'while he was 'subduing

Lett. to King William 1698.

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- ' fubduing the people to popery by a
- * protestant army, he lost both people
- ' and army, and in consequence lost
- ' himfelf.'

LXXIII.

Such are those resources trompeuses to use a phrase of Barillon, which are always a broken reed to those that lean on them. Such have been the unfortunate expedients of the House of Stuart; Whig and Tory, Court party and Country party, a fallen Church and a flanding Army:-A monument of the eventful history of parties!-It is a Machiavelian principle Divide et impera; - a principle that would require far more than a Stuart to make it fafe, far more than a Machiavel to make it effectual or permanent; even a victory obtained by fuch a principle is far more dangerous than a defeat. ' A house divided against itself, ' fays our facred oracle, cannot stand.' How shall a kingdom divided against itself stand? There are divisions enough

and their fatal confequences.

HumeStuarts 1. 120 4. 130. enough ordained by nature, why should

we multiply them by art? Principle,
Prejudice, Interest, Passion; are not
these enough without political parties?
Roman Catholic, Protestant, Dissenter;
Cor. 4. 'there are many kinds of voices', 'says
'St. Paul,' 'and none of them with'out signification.' Since we cannot
hope to reconcile these, why should
we encrease their dissentions? Yet
there are reconcilers no less dangerous
than dividers:—

— Sunt certi denique fines Quos ultra citraque nequit consistere rectum.

There are certain differences that are as necessarily incompatible to union as light and shade, fire and water. To unite these, either or both must forego their nature: To reconcile opposite sects of religion, either or both must forego their principle. Such has been the sage determination of Pussendorf; and if religious parties cannot be reconciled, political parties will not: What have been the effects of the late coalition

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of parties, but fuch as might be expect- Why they ed from a mixture of incompatibles? The Princes of the Brunswick line are magnanimous, are popular, are independent; they are fafe by the act of fuccession-rich by an encreased revenue: Why do we still hear of those resources trompeuses that they have no occafion to patronize? Alas, the necessity arises from yourselves, ye minions of the people! Your King does not defire to employ these resources trompeuses, it is your own violence makes them necessary—it is you that have converted the House of Council into an office of money-changers-it is you that have turned the temple of peace into a den of clamour-it is you that are never filent till you have received your Sop!

fince difcontinued

LXXIV.

Much has been lately faid of a re- Parliaform of Parliament, and to how little Reform purpose! How many other reforms why neare wholly cast behind our backs that

yet are equally essential and more in our own power. A reform of our lives—a reform of our manners—an attention to our own affairs, instead of those of the State: How much more wanting are these, and yet how entirely neglected? How happy would such a reform be for our families? What a relief to the nation! How would it even render a more violent reform unnecessary!

LXXV.

OR if we have such a rage for a reform in Parliament, why do we not wish to reform its undue tribunitial power, rather than its constitutional subordination? Why do we not speak of those disputes that have so long superseded debates, where so much is spoken and so little said? Why do we prefer those Norman laws that have been so often amended, that they are grown at last like Sir John Cutler's stockings; to the simplicity of Saxon jurisprudence that needed no amendment? Since we are so fond of appeal-

ing to the antients; why do we not wish to revive their falutary amor patrice instead of that amor dapis atque pugnae that seems to have become epidemical Why do we wish to among us. forego our limited and happy hereditary monarchy for these ruinous and fallacious republican theories? Where are that deliberation and filence that ought to introduce momentous councils? Why are we all grafs-hoppers? The council of aged Priam was a council of this kind, as we learn from Homer; its II. 3. Roman name is Cicada: This name grew familiar to England from Counfellor John Cade, who flourished in the fifteenth century. Such a council might have been fuitable to aged Priam; but it must be a devil of a council that is composed of young counsellor grajs-hoppers. I fear that even that illustrious councellor was of little fervice to the Yorkists who employed him. It is permitted to the old to be loquacious; but the young should be tem non loquacen

loquacem.

eloquent,

eloquent, not loquacious. 'Heaven is ' a quiet place', faid an excellent Prelate to William Penn; the council of a great Kingdom ought to be like Heaven, where the representative of the King of Kings is always virtually sent. of a present. I know that Dr. Swift has alledged the inapplicability of our ideas of Heaven to every reform of earthly government, from the depravity of human nature: I confess I cannot see the force of his objection; I can even draw from his datum a contrary conclusion; that very imperfection ought to be the cause of our desiring the contrary; our not being possessed of the Kingdom of Heaven, is the reason that we are directed to pray for it. happiness, could we expect ever to realize it upon earth! We can at least endeavour to approximate to it! Even

Ch. of

Eng. Men

Devoutly to be wished'!

this were 'a confummation

This would be a reform indeed, why do we not hear of it?

Bur

LXXVI.

But fince a reform of another kind The priis the fashion of the present day; since nothing less than a violent reform of on of Par-Parliament will fatisfy our State Empirics:

Such a harmonious Inclination Is in all ranks for Reformation,

It is highly necessary for any writer who defigns that his works shall be read, to comply with the political frenzy of the times. And as however extravagant their zeal may be, they generally make it their pretence that they only defire to revive the primitive Constitution of Parliaments; we shall now proceed to inquire into that Constitution, its Rank, Character, Powers, Duration, Duty and Objett; from a thorough investigation of which we shall be able to perceive how far it has deviated from its original lineaments; whether its real faults are those that most commonly imputed to it; whether any of those remedies that

have

have been yet proposed, are applicable or constitutional; and whether there may not be found a more effectual remedy within the precincts of the Constitution, than any that have been as yet offered. I have already premifed that it is not my defign to make any remark that can particularly apply to the present Parliament, which I conceive to be in every respect less liable to exception, than those that immediately preceded it. For this reason I shall confine myself to such observations upon past Parliaments, as while they are confessedly free from any invidious tendency, must be allowed by all parties, to have only in view the good of my country.

LXXVII.

And first, as to their RANK; they are allowed to be a supreme court paramount with the executive power. But this must be received with a considerable allowance. We have seen that it originally derived its existance from the King.

King. It is summoned by his writ, it continues by his permission, and is dissolved by his breath: So that its equality is only what minores may have to majores posterity to their ancestors: It may think of the King, as Sons too aften take the liberty to think of their Fathers—and it will find the same confequence so justly set down by the poet:—

We think our fathers fools, fo wife we grow; Our wifer fons, no doubt, will think us fo!

But in both it were certainly more prudent, as well as more pious to acknowledge the debt of filiation, to be subordinate and grateful. The great council is however in all civilized nations allowed to be facred: Santt anque senatum! And may they ever remain so, though the same privilege is scarcely allowed to Kings!

LXXVIII.

SECONDLY, As to their CHARAC-TER; they originally were required to be

1. Principes, Athelings, Heretoghs, Dukes,

Dukes, Thanes, &c. some of these were Councellors by birth.

2d. Satrapæ, Comites, Barones, Aldermen, Earls, Barons, &c. Those who held places of trust and honor.

3d. Abbates, Episcopi, &c. Archbishops, Bishops, Abbots, &c. These were Councellors by their station.

4th. Majores natu: Persons of confirmed age and experience.

5th. Sapientes, Wites Sacerdotes Cleri: These Councellors by their holy profession. They are also distinguished from Episcopi in the title of the laws of Edmund, a proof that they were a distinct order in the council: From them the Wittanegemote take its name; a further proof how essential these were to the great council!

v. before p. 38.

6th. Magnates terræ: Those who possessed forty hydes of land. This was so essential a requisition for the first seat, that even one of the blood royal was not entituled without it. The reliqui populi by the laws of Alfred.

fred,

fred, were permitted to make returns, but only of such as answered to one or other of these descriptions; and were wholly excluded themselves: But they were yet so far from complaining of this exclusion that they even looked upon the right of representation itself, as an incumbrance.

LXXIX.

Such was the wisdom of that original constitution, the foundation of all the bleffings we at present posses: A constitution which we may perceive to be exactly conformable to the Roman and Athenian councils as established by Romulus, Thefeus and Solon; not to mention that of Lycurgus at Sparta, which no less agreed with it in several particulars. Such were also the qualifications required for the facred college in Ægypt, for the Senatus at Carthage, for the Sanedrim among the Jews, for the great Council of China; until the popular intrigues of the Ephori, the demagogues of Athens and Carthage,

Herod. L. 2. Diod. L. 1. § 2. Jerusalem, and the military tyranny in Agypt had discovered the way to confound all distinctions of the State, and to degrade the Senate. And if such a degradation has not been submitted to by the great council of China, it is because the royal power has never declined, nor the tribunitial ever sound its way there!

LXXX.

compared with the present.

We have feen the original characterestics of the one great council; we are now to consider how far these characteristics correspond with the present constitution of British Parliaments, and how far and from what causes they have deviated. As they formerly consisted only of two estates, the King and his council; they now consist of three, the King, Lords and Commons: This must at first sight appear an innovation, unless we suppose the Commons to be only a substitute for the Sapientes, who yet are never mentioned in those

those remote times, as having a separate house. This question perhaps we may occasionally touch upon when we proceed to speak of the Commons. It is true the present topic of reform feems only to concern Them; and if we can believe the moderate declarations of the present reformers, their intention goes no farther: But whoever will attend to the history of reformations in England, must perceive how far the King and his hereditary council are from being unconcerned spectators; on the contrary, how deeply-very deeply they are interested! The reformers of King Charles first's time were more explicit than ours: They openly declared that their object was the King. They had learned from antient books, that there was a famous reformer of old, by name Procruses, who obliged all his subjects to conform to the length of an Iron Bed which he had prepared for the purpose, by lopping off their redundant limbs: This refor-

R

mer was unluckily a King. The fubjects of that day took the hint and defired to retaliate upon their King: They discovered that their monarch was too tall; they agreed that he ought to be shorter by the head. It was therefore determined in a popular council that he should lose his head. was their bed of justice and avowed idea of Reform; an idea which I will not impute to the reformers of the present day; but I should be yet forry that the life of the King depended on their loyalty. The peers were no less the subject of reform in that day; most of them suffered the same painful reform with their master: The few that remained were obliged to forego whatever of their just privileges the tribunitial power thought proper to usurp; nor were these prosecutions of the King and his peers wholly over in the reign of King George I: A less violent attempt was made against both in that reign, but luckily without effect: This

Blackst. 1.

was to restrain the Kings inherent prerogative in the creation of Peers: But it seems a sufficient cheque upon this royal prerogative, that the more numerous the Peers grow beyond a certain limit, the less is their authority, either in appeafing the people, or in supporting their Prince; add to this, that the antient peers are far from being pleaf- Blackst.ib. ed with numerous creations, and the new ones cannot confider that feather as an high obligation, which is ob-The peertained fo very cheaply. age must therefore be regarded as one of those possessions whose principal value is its rarity, and which it can therefore be never the true interest of Kings to render too common.

LXXXI.

I know that some distinguished writers, both at home and abroad, from an unjust prejudice in favour Predicatiof eastern governments, have objected to an hereditary nobility: these gentlemen while they expatiate perhaps R 2

on, &c.

perhaps truly on its inconveniences, feem to have forgot the mixt condition of all human things, ' shall we have good and not evil?' They feem to have forgot those advantages that so greatly over-balance its defects. appeal to the whole English History, from whence have the most distinguished land and sea officers been generally drafted, but out of this illustrious and spirited order? A spirit that I maintain can never be found but among hereditary nobles: So that it is clear that an antient hereditary peerage is the only firm bulwark and fupport of a nation!-These are all counfellors by birth, except the fixteen Peers of Scotland, who are made fo by election; a tertile subject for a Scottish reform!

LXXXII.

As to the Prelates, they have fuffered enough of reformation already: They have been allowed to fit in the Peers house and excluded; allowed a vote and no vote; till they are reduced to perfect proteus's;

proteus's; fo that I know not what further reform they need fear from the tribunitial power: They and the Peers have been equally excluded from their original share in the right of taxation. Blackstone assigns as a reason, that they are under the influence of the. crown: I ask how much less must those be under influence who have already obtained the flesh-pots, than those members of the lower house, who are still gaping for them? Another reason has been affigned, that the property of both bears no proportion to that of the Commons: This might have perhaps been true under the different persecutions they formerly fuffered from the tribunitial power; but is far from being true at present when they are at peace in their possessions, and the peerage daily encreasing. But even though true, their right would not be less, nor their exclusion less unjust: Their interference in the election of the Commons, has also been voted to be illegal. Why

Why then are the filis nobiles permitted to fit in the lower house, and even exempted from the usual qualification by the statute of the twenty third of Henry VI? The interference of the King at elections, has been objected to, with less propriety and equal inconfistency: The King's army are obliged to keep at a distance from the places when polls are taken; -if this proceeding is right, why are the officers of the army not wholly excluded from Parliament upon the same principle? But we ought to recollect, that it was fuch faithful fervants of the State that composed the great councils of Alfred and Arthur.

LXXXIII.

WE now proceed to the lower house: The principal characteristics of its members as far as we can collect them from the customs of Parliament laid down by themselves, as well as from certain Statutes, are as follow:-

Ist. They must not be aliens.

Blackft. B. 1. c. 2. \$ 5.

Its Cha-

4 Inft. 47.

racter.

2d. Or minors, &c. The latter herhaps, not is always as strictly obferved as it ought, either with respect to age or ability: And both of them may ferve us convincing proofs, that a knowledge of the country and its laws, were looked upon as effential qualifications; they ought to be sapientes.

3d. Or persons attainted for treason 4 Inst. 47. or felony. This has been also observed in every wife state.

4th. Neither must they be any of c J. 9 Nov. the twelve judges. From an idea I suppose of these being under influence of the crown, of which however they have been made independent, at the humane defire of the present King. Would not a rule be at least equally wife, that should exclude all such as are no judges? As well as more agreeable to the antient qualification of sapientes?

5th. Nor are Sheriffs of counties, or cJ. 25 Jan. Mayors, or Bailiffs of Boroughs, eligi- 1604, &c. ble within their respective jurisdictions, as being returning officers. But this prohibition

4th Inft. 48. prohibition does not prevent Sheriffs of one county, from being eligible in another: So that this respectable order of men are not entirely excluded; however the tribunitial power has often attempted to exclude them.

Stat. 5.
6. W. &
M. c. 7.
Stat. 6.
Ann. c. 7.
Stat. 11 &
12. W. 3.
C. 2. 12,
&c.

6th. Nor persons concerned in the management of duties, or taxes laid on since 1692: Nor who hold any office under the crown, created since 1705, &c. This prohibition extends to a variety of other officers, and only excepts the commissioners of the treasury: So that the King has been deprived of the councils of a number of his best servants. But this prohibition luckily does not at present extend to Ireland; though often attempted by the tribunitial power.

Geo. I. c. 56.

7th. Nor persons having pensions during pleasure under the crown: And I allow that it is but reasonable that those who are themselves a tax upon the public, should not have the power to tax them.

Stat. 6. An. c. 7. 8th. A person having accepted an office

office under the crown, vacates his feat, but is reeligible. Officers of the army or navy, happily are not included in this probibition.

9th. All knights of the shire shall be actual knights, and by no means of the degree of Yeomen; and by a later regulation, every knight of the shire is required to have a clear estate to the value of fix hundred pounds a year: Every citizen and burgess the half. Ann. c. 5. This regulation unluckily does not extend to Ireland. The universities are, however, perhaps justly exempted.

Henry 6. C. 15.

Stat. 9.

10th. The clergy are excluded; for c. J. 13 they fit in the convocation, fays Blackstone, which now exists no longer.

8 Feb. 1620.

71th. The members for cities and boroughs, must be free of and resident Hen. 5. c. in the places for which they are chosen. This regulation is entirely difregarded, and perhaps would not be possible to enforce, as it seems contradictory to the election of Sheriffs, &c; yet ought

1. 23, &c.

never

never to have been dispensed with, but for good reasons.

LXXXIV.

Upon the different particulars in the above list and their dates in the margin, we may observe in general;

1st. That whatever is perfectly inexceptionable in those charasteristics, has been the immemorial usage of Parliaments, and all great councils of the world. Such are the exclusion of Yeomen, and persons disqualifyed by natural or criminal incapacity: The qualification bill, &c.

ated from that immemorial usage to the great annoyance of the State; it has been meerly effected by the turbulent intrigues of the tribunitial power, since the æra we have fixed for the decline of Parliaments. Under this latter head we may reckon the exclusion of the King's servants, of the clergy, &c. to the great diminution of the lower house, by the loss of its mag-

nates and fapientes. I am however, happy to add, that such an improper exclusion did not originate under the illustrious house of Hanover.

LXXXV.

THE same wisdom that directed our ancestors in specifying the character of Representatives, obliged them also to ascertain the qualifications of electors. These it would be improper entirely to overlook, in such an enquiry as this; as upon them alone we are to depend for what kind of returns may be made into Parliament. I shall therefore set down a few of them. An elector for knights of the shire

rst. Must be possessed of a freehold to the value of forty shillings by the year, within the county—not fraudulently obtained.

2d. Must be a resident.

3d. Must not be a minor or convicted of perjury &c. The second and third similar to the first and second articles of the former list. The latter

of

of these perhaps not sufficient guarded against—the former of them equally just, since those who are appointed to elect sapientes, ought to be in some degree so themselves.

4th. Nor tenant by copy of court roll, as being only a tenant at will, The first of these requisites is as old as 8 Henry VI, at a period when forty shillings was equivalent to twenty pounds at present: And if such a limitation was not affixed earlier, as fome have supposed, it can only have been because the violence of the people had not yet rendered it necessary. It however fufficiently appears from the above limitation, that our wife anceftors were of opinion, that the difposal of a vote was a privilege too effential to the State to be fafely trusted with all. The other restrictions with more I have omitted, were provisions of the same kind, wisely added since the accession of the house of Hanover, for the further prevention of fraudulent votes; and which however, odious they

Douglas Cafes. they may appear to the tribunitial power; ought rather to be multiplyed B. 1. c. 2. than removed. I have only to add on this head with the learned Blackstone, to the confusion of levellers, that comparative property was evidently designed to maintain its due weight in elections, since a person whose property is disfused, has a right to a proportional number of votes, in the appointment of representatives.

The Qualification for Borough Electors

are various depending on several charters. But we may in general observe upon the tenor of late decisions in cases of controverted elections, founded upon antient charters; that house-holders resiants paying scot and lot, holding by burgage tenure, have in themselves the sole right of voting. An additional proof how unconstitutional are Their ideas who look upon the extension of the franchise, as an essential part of constitutional resorm!

LXXXVI.

To return to the Commons: As to the Powers and Privileges of Powers. this august court, they are so various and undefiable that they have been emphatically called 'the omnipotence Blackft. of Parliament,' by 'a figure,' (as Black-B. I. C. 2. Fortescue. stone acknowleges,) ' rather to bold!' And though I concur with Lord Coke, in allowing it the most venerable antiquity, authority and jurisdiction; si an-4 Inft. 36. tiquitatem spectes vetustissima si dignitatem augustissima si authoritatem capacissima—I can as little approve of the Seld. Baunreasonable encomium bestowed on it ron. part. 1. C. 4. by Fortescue, 'that it is so high and ' mighty in its nature, that it may ' make law, and that which is law it ' may make no law:' As I conceive that the infringment of good laws, ought not to be at the discretion even of the most august Parliaments. I will readily allow them, if they please the power to do every thing which is not

impossible, which is the utmost we al-

Blackft. Introd. § 3. 8 Rep. 118.

low

low to God: But I infift that they ought to look upon every thing as impossible, that ought not to be done. What is in fact the validity of our boafted laws founded on the wisdom of ages; if their acknowleged antiquity and excellence cannot fecure them from tribunitial invasion? What is that enormous claim of uncontroulable power, but a ridiculous revival of the exploded Romish infallibility? But luckily for our peace, the feal which gives this bull its validity is only in poffession of our Prince; nor does he pretend to be above the laws, he is but the law speaking. 'The whole legislature (fays Lord Bolingbroke,) may be called in one sense absolute, but in none, arbitrary.' It is true that a tribunitial Parliament under Charles I, made a violent attempt to throw of this necesfity of fubordination to their Prince and his Peers; by their vote of the 4th of January 1648. But the wifer Parlia- 4Jan. 1648 ment of his fuccessor, happily took care 23 Ch. 2.

power to its due subordination under their rightful Prince; the caput principium and sinis of all authority in the State.

LXXXVII.

Bur as this august house, though mighty in deed yet is not fatisfyed without being more fo; fo it is also mighty in word, yet it will not be content without being 'above the mightiest.' they ought to recollect that this very freedom of debate which they make fo free with, is the perpetual grant of their King, fince the time of Edward the confessor, originated in the Gothic constitutions and continued by every fucceding King to every fucceffive Parliament. It is indeed declared by statute 1 W. and M. that the freedom of speech in debate, and proceedings in parliament ought not to be impeached or questioned in any place out of parliament; but that this liberty was at the revolution only defigned to extend

Stierph. de J. Goth. c. 3. C. 3.

4 Inft. 6.

Stat. 2. c.

to all decent liberty of speech, so abundantly manifest; several persons under that firm administration, having been fent from the commons house to the tower for an excess of tribunitial inde-It is true that they feem to corum. be above the law: No legal process during the fitting of Parliament taking Blackst. s. place against them. This might have been wifely provided under the old gothic constitutions, and the laws of c. 3. Edward the confessor, to prevent the interruption of sapientes and magnates in the public business. But if it is a true principle of polity honeste vivere alterum non lædere suum cuique tribuere Inst. 1. 1. -If it is no less allowed that Magna Charta did right in promifing for the King and all his subordinate courts nulli vendemus nulli negabimus aut dif- c. 29. feremus justitiam-furely what is indefenfible in the individual, can never be just in the aggregate body; nor can that priviledge which was originally defigned for sapientes and magnates alone,

C. Jour. 4th. Dec.

who

who would never abuse it; be therefore, either proper or necessary, to be indifcriminately extended to those who have no pretention to either of those august It has been therefore characters. wifely determined by Blackstone, that ono crime whatever, was defigned to ' be fanctioned by privilege of Parlia-' ment;' and Parliament have often had the decorum to wave fuch an exceptionable privilege: Thereby tacitly acknowledging that even this enormous privilege ought to give place to the laws; an affertion which is feconded by Sir Edward Coke. The original extent of this privilege feems to have been only for 14 days by the gothic Constitutions—ad quatuordecim dies convocato regni senatu. That it has been fince extended unreasonably to forty days before the Session, and as many after, as far as it concerns their persons; can be only considered as one of the most dangerous innovations of a tribunitial Parliament, and which

could

2 Inft. 95.

Sternh. de J. Goth. 43. C. 3.

6 An. c.

could not fail to be a perpetual barrier against the due course of justice, were Parliaments themselves perpetual: That we are in a great measure free from these accumulated evils we owe to the illustrious house of Hanover!

LXXXVIII.

WE are next to confider the DURA- Duration. TION of Parliaments: It does not appear that these councils were perpetnal, even in the age of the magnates and Sapientes: By the laws of Alfred, the great council were to meet at least 4Ed. 3. c. twice in three years; but were usually 36 Ed. 3. holden at the three great festivals. By those of Edward III. once in every year, or oftener if need be. They appear to have met at stated intervals in the time of the Norman Conqueror; B. 1. C. 2. but must have been much discontinued under his fuccessors, fince one of the benefits derived from the Magna Charta of King John, was a promise to convene them when necessary. this feems, however, to have been rea-

T 2

lized

Blackst.ib.

lized but once, and afterwards they were left to their usual uncertainty. Henry the II. was fond of them, and possibly convened them often: But all this though it does not certainly determine whether they were the same or different councils; it yet fufficiently flews that the councils of those days were not possessied of perpetual power; but derived all their power from the occasional writ of the King: Nor fince the inftitution of our prefent Parliaments have they been ever perpetual; if not terminable fooner, yet certainly they have been always so at the demise of the King. But these also, however longlived were not always possessed of power. The Statute 16 Car. 2, requires them to be convened once in three years. Statute 6 W. and M. requires a new Parliament to be convened in three years from the determination of the former. The utmost duration that was allowed by the same Statute, was three years, a period which was after-

as in Sweden. Mod. U. H. 33.

C. 1.

wards

wards lengthened to feven, by the wifer Parliament of 1 George I, from a Stat. 2. just experience of the numberless inconveniences of too frequent elections. Thus the same house that was chosen for three years, enacted its own continuance for feven, 'a fingular instance' (fays Blackstone,) ' of the vast authori-'ty of Parliament!' Perhaps he had spoken more correctly, certainly more popularly, had he allowed it to be over-strained, as it did not pass without a strong opposition. But it should be remembered that this prolongation was allowed in the preamble, to be only adopted for temporary reasons; nor was it effected without the concurrence of the King; who alone pof- Blackst. b. fesses the power of summoning and dissolving Parliaments. It is true an 4 Inft. 6. outrageous attempt was made to difpossess him of this power, in a former reign, by the same tribunitial Parliament that had before exempted themselves from his negative upon their proceed-

16 Ch. 2.

ings. But this attempt succeeded no better than the first. These septennial Parliaments, though established with so plausible a reason, were far from being agreeable to the people. They continue to this day, among the popular Topics of constitutional reform; and are the principal objection of Junius; though it is far from being a decided point, that the original Parliaments were shorter.

LXXXIX.

Duty.

As fuch great privileges and immunities could only have been conferred on representatives, to leave them more perfectly at leisure from their private affairs, to attend to the public good; (a motive which also occasioned their being originally paid for their attendance) so the election is no sooner over, than the representative is bound by the nature of his trust, to consider himself as the delegate of the whole empire, not of a particular county or borough of it.

'For the end of his coming thither,'

(fays

(fays Blackstone,) ' is not particular, ' but general; not barely to advantage ' his constituents but the Commonwealth' -- or as it is expressed in the Statute; ' for ' the redress of all grievances, for the · amending, strengthening, and preserv-' ing the laws:' How could these com- 16 Car. 2. prehensive objects be attained, if every member was confined to a narrow, felfish and incompatible provision for every particular district? Or rather how must they be all overwhelmed by fuch an heterogeneous mixture! Would it not be the height of political as well as physical absurdity, to subject the council of the nation to influences fo contradictory as we would even be ashamed to attribute to a stone! But if they attend to their writ of fummons, they will perceive that they were not defigned to be under the shackles of so shameful and disqualifying a necessity: There it appears that they are convened to advise his majesty de communi consilio super negotiis arduis regem statum

et ecclesiam concernentibus; -to expect

Blackft.

B. 1. C. 2.

Case of Wigtoun, Note (C).

more particular compliances from representatives; what is it but to reduce them to the abject condition of deputies in the united provinces, who are bound implicitly to obey the will of their masters? However, I may wish to see Parliaments properly subordinate to the King; I should be forry to see them give place to ignorant and interested electors. This would be the life of a flave, not of a British Rrepresentative; and it appears from Douglas, that fuch a servile compliance was never expected even from Scottish Delegates, however they might voluntarily comply with the wishes of their constituents. Let me then no longer be stunned with the practife of infant republics: What might have been allowable, or even expedient to them, where there was no confusion of jarring interests; is neither possible nor desirable for Us: I may be asked, are there no cases in a commercial State, where Parliaments may be in doubt

doubt and stand in need of specific information: I answer, let them examine proper persons at the bar of the house, on every fuch occasion, according to Winch.24. the antient rule Cuilibet in sua arte credendum-and determine from what they hear: But let the electors give their vote and remain for ever after fubordinate and filent as they ought to be. Such is the relative duty of of Electors elector and representative: Momentous fentatives. obligations! Which it is effential to every free state, that neither should ever lose fight of. But as I can scarcely at present expect such an acquiescence from my friends the electors; and still less from the non-Electors: I shall conclude this part of my work with a feafonable maxim for the practice of governors and representatives, with respect to them: 'Mobs,' (fays De Retz,) ' are always in awe of those that do 'not fear them.' Upon which Lord Chesterfield Lumanely remarks-' that ' as wife and able governors will never ' give

Lett. to his Son. v. 2. Lett. 80

- ' give the people just cause to com-
- ' plain; so on the other hand, they will
- ' firmly withstand all the violence of
- ' causeless clamour.'

XC.

Such was the prudent decision of the favorite Lord Lieutenant of Ireland; — such was his own conduct: And I cannot in candor omit that her present Chief Governor has never yet deviated from the bright path of his predecessor! Were I so inclined, I might easily enlarge upon such a topic: But I feel the superior effect of the admirable silence of Pliny—Cum jampridemn ovitas omnis adulatione consumptasit, non alius erga te novus honor superest quam si aliquando de te TACERE audeamus.

Paneg. 55.

THE END OF THE FIRST PART.

POU-ROU:

PART THE SECOND.

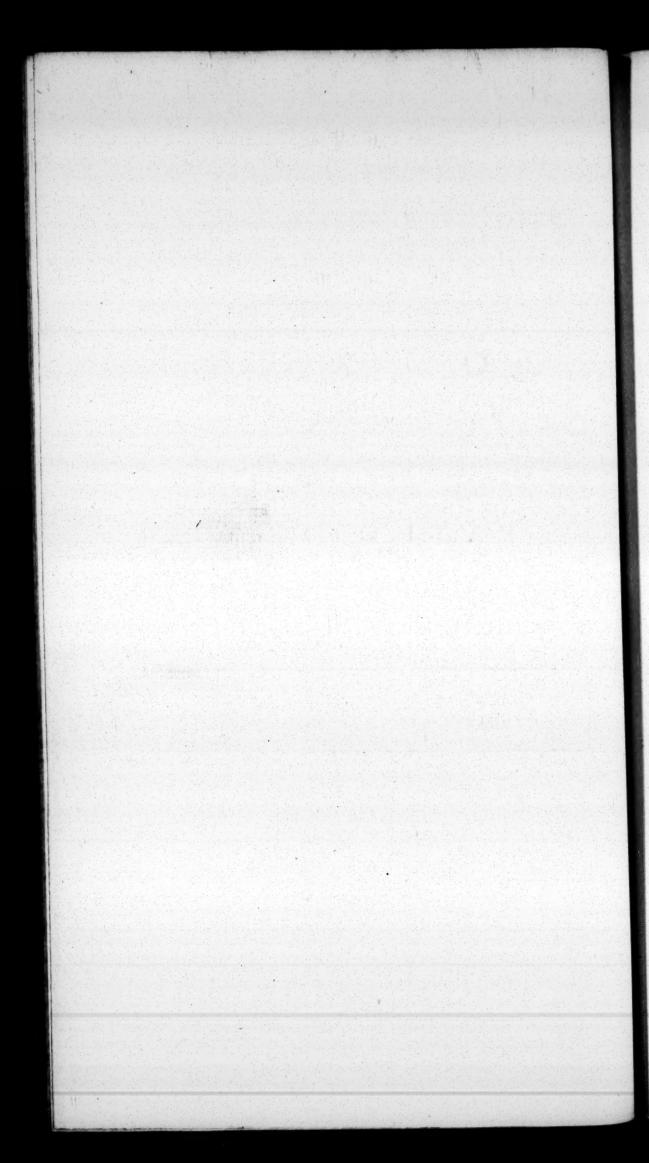
OFTHE

PATHOLOGY

O F

PARLIAMENTS.

Non iis imperium Pelagi favumque Tridentem Sed MIHI forte datum!



POU-ROU:

PART THE SECOND.

I.

of Parliaments, we now proceed to their PATHOLOGY: And here I am well pleafed to observe, that the defects which are most insisted on by the popular demagogues, are rather imaginary than real ones. I think it, however, proper to obviate the former before I proceed to the latter, which are of all the least attended to. This may be looked upon by some, as a meer loss of time; in answer, I shall only ask, what disorder

Defects of Parliament, either pretended or real. Its pretended detects. Ift. Weakness of Oppofiti-

stands more in need of the physician, than that of a malade imaginaire? The demagogues feem principally to complain, that Opposition is not entirely triumphant at present: I am forry I cannot condole with them in the cause of their diffatisfaction, fince I look upon that circumstance to be so essential to the fafety of the State. I am still better pleased with the openness with which they express their discontent, as that is at least, a manifest proof of their I own that the opinion those freedom. gentlemen entertain with regard to opposition, is authorized by most of the popular theorifts on English government. But I must affert that they are all equally mistaken. It is not by opposition, but by union, that any government can be long supported. It is not 11.8 & 13. the chain of discord, described by Homer, but his chain of fubordination that ought to be adopted as a model for every State. It is a false idea, that because a government consists of three parts,

parts, those three parts must maintain a perpetual strife. It does not follow that, because a triangle has three sides, those three fides should be at variance. The English government is allowed to Blackst. 1. be a pyramid: The fides whereof, are the temporal and spiritual Peers;—the basis the Commons. I allow that the base supports the whole: But this does not prove it to be the head. That would be to invert the whole, and to begin the fabric like the projector in Gulliver, from the roof: On the contrary; the fascia of this beautiful building that was defigned to unite all the rest, is the King: And, to leave this allegory, all the power that the rest posfefs, as I have already fhewn, can only proceed from the King. But these violent patrons of opposition, would reduce us to the state of Chaos in Ovid, a perpetual jumble of contraries; to the Inferno of Dante, where fire and frost were the only alternatives;

L. 32. 7.

-Sotto i piedi un lago che di gielo, &c.

to a bowl of their own favorite beverage when strong and weak, sweet and sour are so wonderfully united—a subject more suitable to their sensoriums than the repair of the State. I should not object to the beverage, so it were not prepared by their hands: But I should yet think it agreeably heightened by the addition of royal.

II.

There is a maxim that ought to be preserved in letters of gold, vis unita fortior; a maxim that ought never to be forgotten by Princes or their people; such was the principle that supported the glorious administration of Elizabeth; that Temple long endeavoured to restore to the divided councils of King Charles II; that Swift in vain recommended to the distracted ministers of Queen Anne; that old Homer so long ago attempted to introduce to the disunited republics of Greece; that Also enforced to his countrymen by the admirable sable of the Faggot.

Hume Stu. 1. 366.4.107.

It is in this fafe and indiffoluble bond of union-if demagogues would condescend to understand it, that the excellence of the English government consists. The fear of acting contra pacem domini regis as it is the original principle of the constitution, so it has been at all times the motive of the best men. If some celebrated characters have maintained a contrary opinion, they were at best but men of a party. The Falklands, the Hydes, and the Chesterfields were equally admired by every party. It is in this light alone, that Montesquieu's beautiful panegyric on the English government can be confidered as true, ' that it is the only government in the world that has for ' its proposed object, religious and civil 'liberty.' I know that in compliance with the language of the times, even Blackstone himself has afferted that the different estates of govornment were Blackst. defigned to be in perpetual opposition to each other: But no man was yet more fenfible

sensible of the fatal consequences of such an idea, if once reduced to practife them himself. No man was more fensible of the ruin it brough upon Rome-no man felt more deeply the numberless ills it entailed upon the State in the days of King Charles I; an oppression, (as he confesses,) 'worse than any it prefended to remedy!' We can only impute it to the same popular idea, that he has not omitted the trite allusion of the mechanical powers which I have already shown to be fo inapplicable. How ridiculous in those to speak of a ballance, whose only defire has continually been a great over-ballance! How much more just as well as fafe is the idea of the different powers of a good government, entertained by the late financier of France? There ought to be,' (fays he to Dr. Price,) 'a coalition a fusion of all the ' parts to render them one, homoge-! neous and permanent.' This is not a union of parties, but an abolition of them.

them.-But what must be the inevitable end of a government wholly made up of checks and jarring interests? Let Swift determine from the analogy of ages- that it is not possible the same ' causes can produce different effects ' among us, from what they did in ' Athens and Rome.' Let president Montesquieu determine from the same analogy- that as Rome, Sparta L'esprit and Carthage have loft their liberty and L. 11. c. 6. perished; so the constitution of England will perish, when the legislative power grows more corrupt than the executive!' How does corruption come to be thought necessary, but from this idea of opposition so erroneously blended by moralists, with their accounts of the British constitution? Were they to have adopted the happy fusion of Mons. Turgot; fuch a practife need have never been introduced. And what is that state of Parliament that threatens the final decay of British liberties? The excellent Sir Matthew Hale can inform

Contests. 1. p. 53.

des Loix.

X 2

us;

Of Parliament, 49. us; - that this being the highest court over which none other in the kingdom can have jurisdiction; if by any means 'a mis-government should fall upon ' it: The subjects of this kingdom are · left without all manner of remedy.' From comparing the above passages, we may perceive that the mif-government intended by Sir Matthew Hale, can be no other than that mentioned by Swift; the fame mif-government that occasioned the downfall of Sparta, Carthage and Rome: The præponderancy of the tribunitial power-So thoroughly was the humane Sir William Temple convinced of this great truth how effential union is to the permanency of any State; that he affirmed, that no good man can take part in the divisions of his country, who knows and confiders what they have cost Athens, Rome, Constantinople, · Florence, Germany, France and Eng-

' land.'

Mem. part 3. ' land.' He might with equal justice have added Spain, Sweden and Denmark.

III.

THE remedies for fuch a mif-government are candidly allowed by Blackstone to be out of the reach of the laws. 'The law cannot,' fays he, 'provide an ' expedient to cure an evil which it will ' not even suppose;' in fact, the law must be filent before such a mis-government can arrive-filent leges inter arma. I hope our political disease is not fo desperate as those great authors have imagined: I am, however, equally fenfible with prefident Montesquieu, that the worst danger to be apprehended by fuch a conflitution as ours, is from the derangement of the legislative, rather than the executive department. I would therefore earnestly entreat all those who are at present so busy about a parliamentary reform, to be cautious how they propose any further extension of the tribunitial power; if they do not wish

wish to precipitate that diforder, that I have fo fully shewn to be the natural disease of our Parliaments. not yet fay, that the constitutional focieties and others, do not conduct themselves with a great appearance of moderation and candour: Unless we are to look upon them as those false prophets among the Jews, who faid 'peace' when they meant no peace: However, let their moderation be what it may, they feem to want one requisite to make their meetings legal; that whereas the fupreme council of the kingdom cannot meet without the King's writ of fummons: They expressly meet by public advertisement, to reform the constitution, without the smallest pretence to any legal qualification. ever before heard of fuch things transacted in the broad face of day, and in defiance of an established government? What can be expected from government but a just and steady opposition to the informality of their meetings, if

not to the principle of them? Mr. Locke and Dr. Price may authorize fuch meetings; but can they enfure us against their consequences? Even if they are allowable, can they be prudent or fafe? They may perhaps alledge from Blackstone, that there is a certain crisis against which the established laws can make no provision-a truth which I am ready to allow-but are we arrived at that crifis?

THE fecond charge they produce against our parliamentary constitution, tive admiis that the administration of government is not fo perfect as the theory. This has been also afferted by Blackstone in compliance with popular opinion. And what wonder if, in fo many centuries, after fo many revolutions, it may have a little declined from its first bias? What human institution can be expected not to deviate a little from the spirit of its founder? If this is a cause of change, I know not when changes

2d. defec-

would end: We would be even worse than the Italian Rake

Molti avere un godere e cangiar spesso;

we should change our government so often, we should never have any; we should be perpetually changing, only for the sake of change.

V.

3d.imperfect reprefentation.

BLACKSTONE again afferts, that ' if 'any alteration might be wished or 'expected, it should be in favor of a · more complete representation of the ' people.' I have shewn that the people are, in general, sufficiently represented by the returns made from the counties, at least as far as the constitution defigned for them; and I believe none of our reformers will pretend to ask more: And what is this complete representation of the people that he defires? If he wishes to extend it beyond the line of free agents, the demagogues themselves will hardly be mad enough to fecond him: How ill does this

this agree with his own confession; that there is hardly a free agent to be found, but is intitled to a vote in some part or other of the kingdom: If this is a truth, and I will not contradict fo good an authority; what more can be defired by the fubject in our, or ought to be allowed in any, constitution? If he means to extend it in opposition to the landed interest: How will this agree with what he had just observed of the constitution, that it was its invariable principle, that a diffusion of property should be entitled to an encreased representation? If he means to fet it up against the influence of the Peers; why did he elsewhere allow it to be highly necessary, that they should have distinct powers from the Commons? Why did he confess that if they were confounded with the mass of the people, and like them, only had a vote in electing representatives; their privileges would be quickly born down by the popular torrent, which would effectually effectually level all distinctions? What is this but to acknowledge in express terms the constitutional influence of the Peers? If he intends it in opposition to boroughs, why does he lament their being decayed? Or if he means that the people should possess a right to instruct their representatives: Why does he always disallow the practicability, as well as legality of the pretension? How inconsistent is he with the constitution! How inconsistent with himself!

VI.

4th. Oath not tendered to the Reprefentative. In conformity to this idea that he entertains of a reform in representation, he next looks upon it as a hard-ship, 'that oaths should be multiplied 'upon electors, while the representative is left perfectly free.' Upon this I must observe, that the electors oath is only designed to prove him a free agent: Whereas an oath tendered to the elected; extorting from him a promise to obey the instructions of his constitu-

ents; would be so far from leaving him free, that it would oblige him to be a Slave to the most corrupt and ignorant of the people. And how inconfistent would it be to deny to the representative that freedom of opinion, that the electors fo tenaciously affert for themfelves? Were not this to deprive him of the right of a constituent, while it pretended to qualify him to become a representative? Nor can I see what Blackst. new obligation would from thence arise to the rectitude of representatives; fince though an oath may be necessary to bind the less informed elector, the principle of honor, and the love of their country, ought to be a sufficient tie to the more enlightned representative; or where this fails to succeed upon fuch, I fear an oath will be of little force. Blackstone having also determined the laws made under the prefent reign against bribery, &c. to be fufficient, if properly supported; there c. 13 § 4. feems to be less need of multiplying Y 2 oaths,

oaths, than of enforcing the laws, to effect so desirable a purpose. And however we have ventured to differ with the great author in politics; we will not presume to disbelieve him in his own department of laws.

VII.

oth. Bo-

UNDER the same idea of restoring a more equal representation of the people; he seems as little favorable to the franchise of Boroughs, as he had been before to the freedom of the representative. He complains of their deserted State;—he complains of their multiplicity, as hostile to the popular representation;—he complains of their being under influence. I shall now proceed to shew that none of those arguments, even if true, can authorize an abolition of them.

VIII.

It is allowed by the great Commentator, that even if they have no other fanction, Custom itself is a sanction by the express law of England: I will allow that it is an invariable maxim of that

Litt. § 212. 4Inft.274.

that law-Malus usus abolendus, but Litt. § 212. that prohibition furely cannot extend 274. to indifferent cases, supposing boroughs to be wholly infignificant, which is far from the truth. There are many customs as well as the franchise of boroughs, that are thought necessary to be retained, through the reason which originally established them, has been long fince forgot: For it is equally a fixed rule of the common and civil laws-Non omnium quæ a majoribus Ff. 1. 3. nostris constituta sunt ratio reddi protest. Et ideo rationes eorum quæ constituuntur inquiri non oportet alioquin multa ex bis quæ certa sunt subvertuntur. To make a custom good it is therefore thought fufficient, that it should be prior to the memory of man. 2d. That it has never been interrupted, 3d. Or disputed. 4th. That it is not contrary to reason; 'which is not,' says Sir Edward Coke, 'to be understood of un-' learned reason, but of legal reason war-' ranted by authority of law.' 5th. That

Co. Litt.

114. Litt.

5 Inft. 62.

it is not a bad one:-I have already spoken of the antiquity of boroughs, and shewn them to be coæval with the constitution of Parliaments. I have equally shewn that they were never interrupted, but in a few instances, by the tyranny of Cromwell, or by the confent of the boroughs themselves. Nor have they ever been objected to, till of late that they have been found an insuperable barrier as they were originally defigned to be, against the tribunitial pretensions. I have no less shewn that they are fo far from being opposite to reason, that they originated in found policy. It remains to be shewn that they are not a bad custom as is now commonly imagined upon this principle that they are under influence, as if influence itself was a bad thing and contrary to every principle of found government: So far is this from being the case, that it is never influence as fuch that is cenfured, but Undue Influence. There is and always has

has been, an innocent influence of good offices, from which a Savage alone would wish to be exempt. That this kind of influence is allowed by the law; may appear from many cases Corbet which I could quote, were it necessary. Cabe, &c. That it is equally allowed by the people; is evident from the complaints that they daily make of refractory representatives; fince they are perhaps so justly tenacious of this influence for themselves: Why will they not equally allow it to the King over his royal boroughs? To the proprietors by burgage tenure over the rest?-The remedy of all is equally obvious, and requires no violent reform to correct it. King and borough patron need no longer return a disobedient member: The people need not again elect a refractory representative. Nor does undue influence itself require a more violent reform of Parliament; fince, as I have already observed from Blackstone, it can be fufficiently restrained by law. A charge

4th. Inft.
23.
Hale of
Parl. 112.
C. Jour.
10 & 12.
May 1571.

A charge of this kind can be traced back no farther than the thirteenth year of Elizabeth; the ambition of candidates not having arisen sooner, and then but in a folitary instance: And even were we to suppose a universal prevalence of undue influence; this is so far from being a just allegation against influence in general, that the baseness of the one ferves most effectually to display the excellence of the other. Whence could men obtain an idea of the value of true religion, but by observing the horrors of superstition? Or of true patriotism, but from an experience of the fatal effects of tribunitial violence? -It is only the gross and interested reason of the Tribunes and their followers, that could conceive that violence and patriotism to be the fame. It is only the fame gross and illegal reason that could determine influence and Undue influence to be the fame. It is the wife difpenfation of the founder of all nature and art, that contrasts should mutually illustrate lustrate each other. But this does not prove light and shade to be the same; on the contrary, the noxious quality of shade only serves to prove the excellence of light: Nor till we can introduce some effectual reform that can exclude Light from Nature; will we be able to exclude Influence from Elections.

IX.

I may be asked are not electors defigned to be free? I answer, they are: But it is not a licentious and natural liberty (fays Lord Coke,) but a legal one, influenced by all those benevolent motives that are the cement of fociety. To whom then shall the illegal and unlearned croud apply for direction but to their legal patron, who is defigned to have the constitutional charge of them? To deny this to be liberty, would be to reduce all things to a state even worse than fatalism. An agent under fatalism may be necessitated to act right. Men is faid in a moral sense

to be a free agent: But how undefirable is this freedom, if it is only a licence to act wrong, and if to act right, is only an imputation on his freedom, and subjects him to the ridiculous flur of influence? I know it may be alledged against Lord Coke, that the present times are different from his: That the great body of the people are now enlightned, who were in his day under a cloud of ignorance. But what is this boafted illumination? It is at best, as was justly observed by Hobbes, ' an imperfect light that only ferves to ' mislead them.' It is at best but a Jack o' the Lantern to their paths; it is far, very far, indeed, from themeridian fun. I know what I affert, that the whole political Encyclopedie of the great mass of the people; if no better, than that ' fmattering,' fo justly ridiculed by parfon Adams. And I will further affert, that this subject of all others is that wherein

wherein fmattering is most dangerous: Mr. Pope's celebrated aphorism

A little learning is a dangerous thing may perhaps be disputed on other grounds; -in this it ought to be received as an Oracle.

I have shewn that it is not only reasonable, but essential to true freedom to be under that influence that is fupposed to prevail in boroughs. have now to shew that it is even esfential to the British Empire, that borough influence should prevail. Montesquieu observes with wonder of the British constitution, 'that it has made ' the protection, even of foreign merch- L'Espr. des Loix. ants, one of the articles of national 20. 13. ' liberty.' How much more then must it be supposed to interest itself in favor of natives? It is certain that commerce possesses a dignity in these kingdoms almost totally unknown to antient times, and to the other nations of Europe. C.4. 63.3. This character was equally opposite

to the genius of the antient Romans; who from their manners, and even from their laws, appear to have confidered it, no less than the arts, as a dishonorable employment, and wholly unfuitable to birth, rank or fortune: contrary cause to that which proscribed it at Rome has justly entituled it to our support: As arms and Empire were the chief objects in Rome, fo Britain from her fituation and connections is naturally naval and Commercial. If the dignity of this order of fociety is then peculiarly acknowleged by the constitution of Britain; how unjust would it be to deprive them of that franchise that is so originally their own? Yet it is allowed by Blackstone, who is, however, in general little favorable to boroughs, that the electors of citizens and burgeffes are the mercantile and trading interest of these kingdoms. What a fatal stroke would that abolition of boroughs be to fo important an interest! And I will affert.

B. t. c. 2

affert, if merchants themselves are of contrary opinion, merchants themselves are little acquainted with their own interest. If they are left as they ought to be in full possession of this interest, they cannot employ it, unless to return to Parliament either themselves or others. But though this useful order of men are justly considered as more enlightned and respectable than they could be in antient Rome; yet they are not wholly free from that disqualifying erugo, that was imputed by Horace to the merchants of his day, and which is doubtless to be attributed only to a defective education. This acknowleged imperfection has had, in general, the natural effect of inducing them to follow the just advice of Virgil, with which I began

Pietate gravem ac meritis si forte virum quem, &c.

in choosing some respectable delegate to support that interest for them in Parliament, which they are incompetent to support so advantageously themselves: This is, indeed, that influence against which the Tribunes so much exclaim; but it is a just, a natural, a necessary, and a constitutional influence:—Shall we destroy such an influence at the instance of the Tribunes? Shall we not rather strengthen it against them?

XI.

Bur it is objected by Blackstone, · that the members for boroughs bear 'a quadruple proportion to those for 'counties.' In answer, I would be glad to ask, can the mercantile interest in a commercial country, be too numerous and extensive? But it is further objected by the learned author, that deserted boroughs still continue to be fummoned,-as if any power upon earth had a right to abridge the King's inherent prerogative! As if the misfortune they have suffered by the decay of trade, ought to be still further aggravated by the diminution of their franchife; an objection equally unconstitutional and ungenerous! And which has been fufficiently confuted by the opposite

opposite and constitutional authority of Lord Mansfield, 'that decay does not 'invalidate a franchise.

Douglas. Cafe of Helleston.

IT may with great appearance of reason, be objected to me, and that even by those who think themselves friends to government; that the fon of the illustrious Earl of Chatham, has declared himself in his admirable speech in Parliament, May 7, 1783; decifively against the corruption of boroughs: But if it be confidered that I do not support the abuse, but the original intention of boroughs, not their undue influence, but their falutary and unavoidable influence-If it be further confidered that Mr. Pitt himfelf acknowleges that the House of Com-'mons, which should have no other ' purpose in view than a watchful at-' tention to the public good, was fo far perverted from its rational and implied institution, that party views ' and principles of faction, and private 'aggranApril 18th

'aggrandizement seemed to be then its 'material objects:' If in his late bill of reform, he only attacked corrupt boroughs—above all, if he never cenfured the royal ones—It must be allowed by every person who pretends to the least candor, that Mr. Pitt and I are of the same sentiment with regard to the principal defect of Parliaments; a sentiment, which I have no doubt, but he will continue to support.

XIII.

AND as we cannot be unacquainted with the opinion of the present minister, with regard to boroughs; we are still less at a loss to know what were those of his illustrious father: I shall extract them from his speech in the House of Lords, January 22d. 1770. The boroughs of this country (says that wise patriot) may well be called the rotten parts of the constitution: But in my judgement my Lords, these boroughs corrupt as they are, must be considered as a natural insignment of the constitution: Like the infirmities

' infirmities of the body, we must bear them with patience and fubmit to ' carry them about with us;—the limb ' is mortifyed, but amputation might 'be death.' We may here remark, that it is not boroughs as fuch, but corrupt boroughs-not a natural decay, but a mortification, the great Patriot objects to:-Neither does he think it safe or necessary to prescribe Dr. Last's Radical Cure, for a disease which he yet allows to be inveterate: How little attention then ought we to pay to those quacks of the State, who are so zealous in prescribing their desperate nostrums on every inadequate occasion? Perhaps boroughs are corrupt in the length of time, and may need amputation; - 'but where,' (fays Junius,) can we fafely begin this amputation, ' and at what point shall we stop?'

XIII

I suppose I have now made it sufficiently appear to all unprejudiced per-A a sons. 4th. Inft. P. 48.

fons, that decayed boroughs ought to be restored, not destroyed, if we would wish to preserve the original lineaments of the constitution. And it is laid down as a rule by Lord Coke, that, however even the royal power may be permitted to encrease a franchise, it has no prerogative to restrain it. I am sensible that I shall have all the demagogues my violent opponents in this opinion: But the constitutional defect is not in the boroughs or their influence, but in the tribunitial spirit that maligns them: Even if a borough were totally dismantled, I would not curse the dead tree, for the memory of its wholefome fruit; I would even so prefer it to many a poisonous tree alive, to all the aspiring brambles and thiftles of the times! I have read of a Bramble that fet up to be a King, but his pretentions were treated as they deferved: Nor do I know what should disqualify the royal prerogative, for the public good, to work a miracle in favor of this decayed tree,

And

And give to airy Nothing,

A local Habitation and a Name-

I would wish with Lucan, to preserve it in honor of its Planter.

Stet magni nominis umbra!

I would hang it with wreaths, in memory of its illustrious proprietors: I would annually visit it with the vows of Lelex in Ovid due to its acknowleged desert and antiquity.

> Equidem pendentia vidi Serta super ramos ponensque recentia dixi Cura pii diis sunt et qui coluere coluntur!

But whatever objection may lie against boroughs absolutely decayed; the qualification bill sufficiently 'ballances' the ascendant they have gained,' as is finally acknowleged by Sir William Blackstone, 'by obliging the trading interest to make choice of landed men'—and of this qualification, the member is to make oath and give in the particulars in writing at the time of taking his seat, by a wife provision of the Par-

Aaz

liament

Stat. 33. liament of our late excellent King.

XIV.

Bur while we are so averse to the influence of Boroughs, why do we not equally object to the influence in Counties, to which forty shillings freeholders, who make the great body of electors, are equally and necessarily subject? If influence is a fault, the contrary of which, I think, has been fully proved: These are furely they whom we ought principally to object to .- A mifreprefentation of counties, (if fuch could be proved,) being furely an evil of more extensive concern than a misrepresentation of infignificant or decayed boroughs. But Blackstone complains 'that the representatives of boroughs are 'quadruple of those from counties;-'therefore, the evil is fo much greater:' I answer, the conclusion does not fol-The electors in boroughs are low. infinitely few in comparison, therefore the injury is trivial in proportion. The

The learned author afferts, after a calculation of Bishop Fleetwood, which I have before had occasion to mention, ' that forty shillings at the time of the first institution of qualifications for voters, was tantamount to twenty pounds at present, therefore the forty shilling freeholders were defigned to be free from influence;' I reply, that the calculation is true as far as Bishop Fleetwood is concerned, but the confequence drawn by the learned knight false. For I would be glad to know what person possessed only of twenty pounds a year, can be confidered as wholly free from influence! So manifest is it that it was never the intention of the founders of our constitution, to exempt either shires or boroughs from a due influence, and that the multiplicity of boroughs is so far from being an evil, that is justly stiled in the law of King Edward the confessor,-fumma c. 20. et maxima securitas per quam omnes statu firmissimo sustinentur, &c.

THE

XV.

5th. The want of a Ballot.

THE present method of electing representatives is also thought to stand in need of a reform upon the authority of Harrington, by those who wish to revive the antient method of voting by But fuch perfons do not furely Ballot. remember, or at least regard the fatal effects that invariably attended this method in every nation that adopted it, and the confusion that must be its unavoidable consequence in every powerful and populous State. A method that can alone be fuitable to an infant Government: 'A method whereby,' (fays Blackstone,) 'the spurious can 'never be distinguished from the real ' yoter, and the most illustrious character, would be subject to perpetual ' danger, from the most intriguing and 'infamous.' Such were the Petalism and Oftracism of Athens and Syracuse, and fuch their inconvenience to those States, untill they were finally abrogated.

Blackst.

Diod. L.

-As to the limiting the duration of Parliaments, the fine qua non of Junius; I trust the same salutary motives that occasioned their extension, and which are recognized by Junius himfelf, will for ever prevent so fatal a reform.

6th. The Duration of Parliaments.

XVI.

THERE are many other defects imputed to the present state of representtion, among the over-zealous or interested reformers, with whom the corruption of the elector feems less criminal, than the dignity of the elected: the undue influence, than due subordination; and the licentiousness of the people than the liberty of the representative.-They would wish to have the right of voting laid open to all, even 7th. Right the meanest of the people; even the most deluded sectaries! A project that I have already shewn to be as opposite to our constitution, as it formerly proved fatal to Rome. To what cause can we impute the first symptoms of

of voting not Uni-

her

her decline, but to the tumultuous affemblies of the people? To what principle did she owe those tumultuous asfemblies, but to the injudicious extension of the Roman franchise to all her remote conquests?—but to the introduction of their incompatible religions into her own? A fruitful subject of complaint to her fatyrists! Let me add, that, however we may impute tyranny to Cæsar; it was the violence of a popular Tribune first obliged him to that tyranny, first persuaded him to pass the Rubicon. What Couri was to Cæsar, Cromwell was to Fairfax: But Cæfar was more fortunate than Fairfax, if indeed any fuccess in such a cause ought to be esteemed fortunate! On the contrary, Cromwell united a Cæfar and a Couri in himself. A union as fatal to England, as it must have been formidable to any nation!

XVII.

Do we wish to revive those deplorable times? Do we wish to adopt like antient Rome

Omnigenum deum monfira et latrator anubis?

let us extend the franchise of our country to fectarists of every kind;let us unite ourselves with their principles! This may be thought, by fome, to refemble the fusion of Turgot, but I fear, even that fusion would little apply to our purpose: The result would not be Corinthian Brass! Nor would I, however, be understood to disapprove of the repeal of the Penal laws. But I think all that can be safely done has been done for Roman Catholics: And I cannot but agree with Mr. Hume, that the witholding places of profit and honor, from non-conformists of every denomination, according to the practife of every wife government, cannot be justly considered as Penal, whatever our violent reformers may pretend: These being in effect no other than the Rewards of Conformity, and to dispose of them otherwise, must prove in the end as dangerous to our civil, as to our religious establishment. Such have been the fentiments of the

Bb

humane

humane Lord Chestersield: But the reformers of this day are not all Chestersields, Juniuses or Blackstones.—To have followed them is reputation and satisfaction;—even to have contended with them, an object of ambition: To reformers of another kind it may be enough to say—

Nou tali auxilio nec defensoribus istis Tempus eget-

XVIII.

I HAVE done with those boasted and pretended defects of which, perhaps, it might be truly determined, that they are real beauties. For my own part, whenever I reslect on our excellent constitution, I am ready to cry out in the words of the Poet—

I read thee over with a Lover's eye, Thou hast no faults, or I no faults can spy; Thou art all beauty, or all blindness I.

Even could the trifles I have enumerated, be considered as defects; there is yet a natural prejudice in favor of our native country, which is both allowable

lowable and justifiable.—A lover may be permitted to look upon his mistress's fquint as a beauty. A father may be equally blind to the natural infirmities of his fon: But there are, perhaps, times when fuch a partiality, however well defigned, may be alike dangerous And whoever conand criminal. templates as attentively as I have done our excellent constitution in its original form, must necessarily discover some real defects in its present administration, contracted in the progress of time, which may, perhaps, be well worthy the attention of those who have in their hands the power of reform. These we shall now proceed to consider:-And in the course of this enquiry it will appear, that the Tribunitial power, as it has originated all the pretended allegations against our constitution, is also the cause of most of the real ones, and that it is in fact, itself the Universal Evil of the State. It will no less appear that those faults, however real, are B b 2

Real Defects. fuch as would appear less conspicuous, in a constitution less perfect.

"The fmallest speck is seen in snow."

XIX.

WE have seen the King possessed of a royal, inherent, and extensive prerogative, designed as a salutary check both upon the Peers and Commons.——

WE have seen the upper house of the great council of the nation, filled with temporal and spiritual Peers, and the first sages of the law, claiming equally with the Commons the important right of taxation.—

We have seen the lower house composed of Sapientes, the King's servants, and the independent gentlemen of the country;—accompanied also by a lower house of clergy in convocation, supporting no less than the upper a suitable dignity and duration. Such was the original condition of English Parliaments;—behold the changes they have suffered! and the cause of them!

and their Caufe.

ift. A King

- 1st. A King abridged of his royal prerogative—even deprived of his life, by the tribunitial spirit.
- 2d. A temporal peerage impeached, persecuted, diminished, suffering the like calamities with their King—by the same spirit.
- 3d. A spiritual peerage equally oppressed upon various pretexts, for a while ejected from their due rank in the upper House of Parliament—by the same spirit.
- 4th. Both of them excluded from their share in taxation—by the same spirit.
- 5th. The confidential officers of the crown excluded from the Lower House—by the same spirit. What must be the necessary consequence, but their being removed to the Higher, to the inconvenient encrease of the peerage? Of which, though this spirit was the first

first cause, yet it is never the last to complain.

6th. The suborditate dignitaries of the church, who were entitled to a seat in the lower house of convocation, excluded upon a ridiculous pretence from the Commons house—by the same spirit,—when it had finally sailed of shutting out the Prelates from the Upper.

time, excluded from the same house, by this spirit, even while yet in its infancy. This was to reverse the Fable of infant Hercules. He was the distroyer of the serpents:—But here the young serpent was the destroyer. Such a Parliament was that of King Henry IV, which was properly denominated 'the unlearned Parliament;' and of which Lord Coke with just indignation observes, 'that they made not one 'good law!' I know that some politicians are still to be found, who would

6 Hen. 4.

4th. Inft.

not be averse to such an exclusion of lawyers, 'who of all professions,' (fays Dr. Swift,) ' feem least to under- of English ' stand the nature of government.' But this observation ought to be limited to the meer Tyros of the law, to whom alone it is applicable.

8th. The duration of Parliaments. abridged also for a while to three years -by the same spirit. A convincing Proof, if there were no other, that the only object of this spirit is the possesfion of tumultuous power! So violent and ambitious; fo ignorant and illegal; fo irreverent and unconstitutional is this fpirit!

XX.

Such have been the manifold inconveniencies of the tribunitial principle prevailing in, I might fay, over former Parliaments; luckily fome of them are fince done away by the wisdom of later ones. The three first have entirely

of them to be discontinued? The seventh and eighth have also been in some degree obviated. The fifth has happily not hitherto extended itself to Ireland. The fixth is likely to remain an indelible blot upon British representation. The fourth is no less established by the acquiescence of the Peers.

XXI

I wish I could say the tribunitial spirit was entirely ceased in our Parliaments: The violent opposition at present made to unoffending boroughs, is alone a fufficient proof that it is not. though it is not wholly ceased, it is however, as I before observed, not wholly triumphant. To this circumstance only we owe, if we are not yet cursed with an annual representation, with a universal right of franchise, with an exclusion of the King's servants from the Irish Parliament, with an election by ballot, with perpetual bills of reform and an everlasting confusion!

I wish

XXII.

I wish I could even say, that the Tribunititial spirit was as quiet out of doors as it is within. This spirit in the elector, bears no less a relation to the same in the representative, than that of a cause to its effect. For how can the body of Representatives be supposed to be different from the body of Electors?—They are part of the same mass; on the dissolution of Parliament they return to the common body again. If the people are wife, they necessarily possess a proper influence over their representatives; - popularity is so natural and universal a wish, that it cannot but be defirable to all, to whom the purchase is not rendered too dear. Lord Chesterfield defired that he should be known by the name of the Irish Lord . Lieutenant.-If the people are Fools, they will yet retain some influence on their representatives, and insist upon more than if they were Wife: Nor will Cc they

they be wholly disappointed—if they have not real influence, they will poffess at least the appearance of it: There must always be found some who will pretend to allow of their fuperiority, fome who will feem to fubmit to their commands, some who will even rave about the Supreme Majesty of the People, some who are so undistinguishing in their rage for popularity, that they forget the only true praise Laudari a Laudato-fome who are even, perhaps, driven on by a false principle to the destruction of their country. What is this but Infanire ratione modoque? - So dangerous and fantastic in its effects is this folly of the electors, a folly, which as it originates from them, fo it returns to them with new and deleterious improvements from the fiery limbec of Tribunitial representation. Such has been the cause in all ages of the worst mis-government of Parliaments: And if we are allowed to argue from a fimilarity of effects to a fimilarity of causes, we must

must be obliged to agree with Blackstone, that it is only the same tribunitial principle which our ancestors heard with horror and detestation, from the rude mouth of a Cade or a Tyler, that has fince been fo fatally applauded and embraced, when foftened and recommended by the eloquence, the pretended moderation, and the arguments, of a Sydney, a Milton, and a Locke. 'The corruption of the Peo-'ple,' (fays Lord Chatham,) 'is the ' great original cause of the discontents of the people themselves, of the en-

Blackft. 4. C. 334

Yet thefe were Yorkists, not Independents.

Speech. January notorious decay of the inward vigor 22d. 1770.

XXIII.

of the constitution.

' terprizes of the crown, and of the

To this Tribunitial principle in the people, we are therefore to assign the principal defects that at present exist in our Parliament. This we are to alledge as a reason, that if left to themfelves, they would rarely elect fuch

rft. Real Ist. Optimates or connections of the Defect, Want of Cc2 great Optimates. great, as are yet left happily in their choice, under an idea that this were to make the lower house a dependant on the upper: Not considering that it is to the interference of spirited Peers and Bishops in different ages, the people are indebted for whatever privilege they enjoy. Or if Optimates should at any time succeed in obtaining their favor, it is only by seeming to assume for the time a tribunitial spirit.

ad. Want of Proceres

ceres or those in honorable employ, of which but a few remain in their choice; thinking this were to make the lower house a dependant on the King; not considering that it is under the different charters and grants of their Kings that they derive those privileges,—'that the 'disposal of honors and preferments is 'the express prerogative of the crown, 'which, however it may be a dange- 'rous engine of power in bad hands, 'cannot be altogether abolished with-

out.

Hume, c. 4. 107. out the total destruction of monarchy, ' and even of all regular authority.'

3d. They would never elect Seniores 3d. Fxor Sapientes, these being qualifications of which they are no competent judges. Among these, Church-men are excluded from their choice; and other respectable characters would not eafily fubmit to be their tools, or to be led by their demagogues. In this crifts of affairs equally inauspicious to King, Peers and People; how happily did the qualification bill intervene to prevent the entire decay of all fubordination, and the most undue returns to Parliament! By this wife provision they are limited to those who are at least independent gentlemen; yet of these they would take care, if lest wholly to themfelves, (according to the opinion of Cade in Shakespeare ' that persons who ' can read are dangerous to the State,') invariably to choose the most unqualifyed: Such novi homines as having no experience

change of

experience from age, and no prejudices of knowlege to prevent their pursuing Their dictates, are so far from having filled any honorable department in the State, that they claim no other merit than a perpetual opposition to that government, which the people falfely conceive to be established upon the ruin of Their interests, and which, if we may judge from the returns they make into Parliament, it would be their great defire to diffolve. true these gentlemen sometimes deceive them, perhaps I might fay wifely: But even were it not fo, what can they expect from 'Wells without Water,' but Dryness? From 'Clouds carried 'about by a tempest,' but Darkness? From 'a House built on the sand,' but Unstableness? From ' founding brass or a tinkling cymbal,' but Hollowness? Such are the necessary and pernicious effects of Ephorical, Sanedrical, Tribunicial and Demagogical power. These are, it is true, gygantic evils; but they are not the evils the people complain of, because they originate from themfelves .- 'In the multitude of Coun-' fellors is fafety,' but distraction alone can refult from a multitude of What is all this but to reduce Fools. our august Parliament, the wonder of the world, to the Parliamentum indoctum of Henry IV? and its admirable Statutes to the rude description of municipal law, given by Aulus Gellius, tacito et illiterato bominum consensu et moribus expressum? - And to this acknowleged disqualification of legislators, the inevitable consequence of a Pref. tribunitial spirit in the elector, 'the 'law's delay,' and its deplorable confufion are justly ascribed by Lord Coke.

SUCH representatives as these, though they may be Optimates, are certainly not Sapientes: If fuch would have been the forlorn condition of Parliaments, when wholly left to a popular return,

even

Hume, 4.

even under the falutary restrictions of a qualification bill,-how natural, how justifiable was it for the Prince and Peers, to provide for the due confequence of that great council to which the purse of the nation has been entirely entrusted; at first, by the sage institution, and fince, by a spirited support of those Boroughs, whose reprefentarives being virtually returned by the chief characters of the nation, might be under Their falutary controll, and make a necessary barrier against the ignorance at once, and violence of the people? To this trust they generally appoint the practitioners of the law, who alone are competent to correct these inconveniencies, and are almost the only order of fages who now remain in their choice.

XXV.

for Tyros.

It may, perhaps, be justly considered as an objection to our present form of Parliament, that those lawyers who are introduced by the borsholders,

are

are commonly young ones; rather Tiro Sapientes and hungry adventurers, than Sapientes or Seniores. But our demagogues ought to confider, that this inconvenience, as well as the deplorable necessity of boroughs, and the exclusion of the respectable clergy, has originated from themselves; since Sapieutes or Seniores would be ill qualifyed to answer the intention of the borsholders in replying to the captious invectives of parliamentary Tribunes. If demagogues would but abate a little of their zeal; the interest of the people might be much better provided for, as well as the business of government more fmoothly conducted; together with a great abatement of taxes, nor a less saving made in the public revenue, which are all at present unavoidably wasted, like oil poured out in a tempest, by a necessary, yet hitherto fruitless endeavour to pacify the raging of the Sea and the madness of the people!

D d THERE

XXVI.

4th. Sapientes in Speculation.

THERE are still another order of fages, who are faid to hold a confiderable place in Parliament;-these are the Sapientes in Speculation, who having entirely failed in their own affairs, are at full leifure to attend on those of the State. These are sometimes returned by the borough patron, sometimes by the people. Among these we may reckon fuch pretended bankrupts, as having availed themselves of a nominal infolvency, still retain a fufficient qualification to fecure a feat in Parliament. It is from these the public have most to apprehend, fince they who are become flaves of their creditors, will be the readiest tools to enslave others: Some of them will even pretend to be demagogues; but let not the people trust them. What reliance ought they to have on the prudence of fuch a council? What can be expected from a Parliament of bank-

rupts,

rupts, but that they will repair their own decay by the bankruptcy of the nation? I am convinced that the admission of fuch members, has been a principal cause of the public disapprobation of past Parliaments.

XXVII.

THESE are real grievances which the people have no right to complain of, fince they have been also occa-There is fioned by themselves. another grievance, perhaps prevailing in Parliament, which, if it is allowed to exist, cannot be equally imputed to the people. I have already observed from Blackstone, that representation ought to be proportional to property: That this proportion by no means 5th. Reprevails in many instances, has been a popular topic with demagogues. To determine the truth of this matter would be beyond my purpose. I will allow, that if fuch a disproportion, as is alledged, may be found be-Dd 2 · tween

presentation not proportioned by property. Cornwal, Norfolk and Middlesex, &c. the people have a just right to complain, as I think it is the only inconvenience I have heard of, that did not originate from themselves. To them alone we must also impute the violent attempts that are so often made to aneantize the duration of Parliaments.

XXVIII.

Treland.

Most of the above real or pretended causes of complaint, are said to prevail equally—many of them even more extensively in Ireland: As we have already observed with regard to some of them in the course of our work. That country has been long subject to a variety of grievances, perhaps, partly from the peculiarity of her situation; partly in consequence of her connection with Great Britain. Later arriving at representation from the unsettled state of her affairs, her Parliament cannot be on one side as perfest; on the other as corrupt, as those of her elder sister.

Her

Her first councils were composed of the heads of Septs-from whence we can conceive no great idea of her original freedom of election. Such was her state under King John; and even Stat. 14. in the time of Henry VIII, the members of her Parliament still continued to appear as Heads, not as Elective representatives. That Parliament also represented only the four counties of the English pale; were obliged to be convened by force; and were likewise left little to their own discretion, as may appear from the superintending powers erected by the Statute. Their unwil- Intr. § 4. linguess to receive the English jurisdiction; has been referred by Blackstone to a spirit of Obstinacy; but may be more truly imputed to their natural attachment to the Brehon law, no less than to a misapprehension of the English government, if we may credit another knight of no less reputation, who was long refident among them, and has thus drawn their character: 'There is

Davis, p.

'no people under the fun,' (fays Sir John Davis) ' that doth love equal and ' indifferent justice better than the Irish, or will rest better fatisfyed with the execution thereof, although it be 'against themselves; so as they may ' have the protection and benefit of the · law, when upon just cause they do ' defire it.' But this latter character, however it may be applicable to every age of the Irish nation; was yet written at a period when they had arrived to a confiderable degree of English civilization, and when sheriffs writs had begun to have currency over the kingdom. This falutary change happened under the mild administration of James I, to whose reign alone we are therefore to look up for a regular government of Ireland, and a real representation. From that day until lately, her fituation has been that of a subordinate—if not, of a conquered, country: Her inconveniencies in some respects greater than those of her elder fifter; her ad-. vantages

vantages necessarily less; and as her condition has been in other respects less favorable, her representation has been always more mixed. Those who shelter themselves from their creditors under the privilege of Parliament, are faid to abound there; some of them, even bankrupts of the lowest trades, in direct opposition to the original character of Parliaments. This inconvenience she owes principally to one cause, the perpetual absence of many of her most respectable inhabitants; an inconvenience wholly unknown to England, which was long, and in vain complained of by Dr. Swift.-An absentee bill has been often proposed as a remedy, and with good appearance of reason. There are many obvious remedies that might be proposed and must be each found effectual. Such delinquents might be confidered as dead in law, like the Monks, and thus civiliter divested of their possessions. Some mortui. Kings of England would have confi-

dered

dered the latter as forfeit to the crown by fuch a dereliction, and taken immediate possession in consequence: Yet perhaps, no remedy can ever be devised, that will not be inimical to the liberty of the subject-A similar objection lies against the non-residence, of reprefentatives in their counties; which, though illegal, it has been found equally impossible to prevent. would be the easiest remedy; perhaps non-residence, at some remote period, may cease to be the fashion. Perhaps also, the superior service our Magnates may have it in their power to do their country, by refiding at the feat of government, ought to be looked upon as an over-balance to this great inconvenience.

XXIX.

Another cause of the mixt reprefentation in Ireland, is the want of a qualification bill: I would wish that if such a bill should be at any time introduced, it might fall into the hands of some

fome of those Sapientes, who may be qualifyed to model it properly, and have weight to carry it through the house; not into those of some popular Tribune whose name may damn it, instead of supporting it-Of a legal Tyro who it better qualifyed to perplex matters, than to ascertain them_Or of a beardless bankrupt county Bashaw, (if any fuch there be) whose fole proof of legitimacy is his outgoing the degeneracy of his ancestors; who wastes in tasteless extravagance, the fund that should discharge his just debts; whose only pretence to Irish hospitality are electioneering entertainments given by his agents; who is accessible to no debts but those falsely called Debts of Honor; and to no company but electioneering jobbers: who builds a palace in the country, at the expence of credulous traders in town; who travels to town during privilege, to be out of the power of his country creditors; who would return to the country in a Balloon, to Ee be

be out of the reach of his city creditors, were he not restrained by want of spirit; who keeps no house in town, least his effects should be in reach of his creditors; who infests the halls of those who receive him there, by a perpetual levee of creditors to whom he is always denyed; who keeps an army of fervants to defend him from his creditors, who, while they are employed to abuse Them, are only laughing at Him in their fleeve: Who thinks himself authorized to add outrage to robbery, and to throw a stain on the glorious name of representation, under the cover of Pretended Patriotism, and the fanction of privilege of Parliament! -An Irish acquaintance of mine had once a just demand against one of these Pseudo-Patriot-Bashaw-Country Representatives; in a course of several years he was obliged to make upwards of five hundred personal and other applications, in vain; he obtained above fifty appointments to an hour, which

were always litigiously evaded; till at length having fufficiently proved his falsehood, as well as dishonesty, by obliging him to declare in person, that he was not at home-necessity constrained him to inform the Bashaw, ' that that privilege of Parliament, which he depended on, could alone ' shield him from the just resentment of 'a freeholder, and that otherwise he ' dared not behave in fuch a manner.'-If he reads this he must recollect the transaction; and if the matter is not fpeedily adjusted, I shall have authority to publish his name in the next edition, as a Pharos for the caution of all future navigators on the dangerous fea of Parliamentary credit in Ireland! I might ask-do not these things require a Reform? but that I fear to be taken for one of her Pseudo Patriots.

XXX.

To continue my Critique upon that country: The laws of England at present prevail there, but unfortu-E e 2 nately

nately for her, they are far from being enforced in the same manner. The riot act is wanting there, which would much contribute to her peace. Ministerial dependants, and great numbers of state pensioners are also found in her Parliament. The former I think allowable, as they affift the motions of government.—The latter I have already in general reprobated. Boroughs are more numerous in proportion to counties; consequences these, perhaps, of the fituation of that country, which is supposed to stand more in need of authority and influence, as it lies more remote from the feat of government. The boroughs are also more under influence, many of them not poffessing by charter more than thirteen electors. The fingularity even of boroughs wholly deferted, exists there; which can only be owing to the defect of population, and which a few years might eafily restore.—Yet that country ought to confider, that if it is exposed

to inconveniences from its fituation, its taxes are proportionally less: That, if it has difadvantages from its connection with England, it has also received unspeakable advantages—the right of legislation and taxation, the benefit of its own laws, and a free trade.

XXXI.

I know it has been a received opinion, that England was terrifyed into her concessions to Ireland. Away with the thought; even were it fo: Lett. to his Ireland,' (fays Lord Chesterfield) 'can B. 3. Lett. ' never be a gainer by quarrelling with ' England, however justly.' Nor can England ever be over-awed, but by a power her superior at sea. I will not affert, that England has always acted to that nation with the enlightned policy of antient Rome; or with the same generofity which she herself displayed to Wales: But I will venture to fay, that whatever causes Ireland may have formerly had to complain, they are all of late

late done away, or on the point of being so—if our bright dawn should not be over-cast by the dangerous ambition of demagogues! And, if a reform of Parliament is necessary no less in Ireland than in England, they have every thing to expect that is possible or reasonable, from the unexampled spirit and undisguised truth that characterise the Son of the Marquiss of Graner, her present amiable viceroy. Under many of his predecessors; she selt herself in the situation of Ajax in Homer; She long wished in vain for light—Aos 1' operanger is the same.

Il. 17.

She wished only to see her enemies face to sace, who were skulking in darkness; she expected not savor. Her situation is now very different indeed! She has nothing to sear from the Duke of Rutland, but every thing to hope:—He is too generous to be her enemy, and too honest to deceive her. She might justly apply to him that beautiful question of Horace;—

Incorrupta

Incorrupta fides nudaque veritas Quando ullum invenient paren?-

But, though he is not her enemy, he is at the fame time too magnanimous to be the flave of her demagogues!

AFTER all, a parliamentary reform is far from being the only one which that country stands in need of; if we will credit a former viceroy, whom she herself looked upon as her best friend. ' All the causes,' (says the ib. Letter elegant Lord Chesterfield) ' that ever destroyed any country, conspire to ruin Ireland; -a premature luxury out-strips her riches, which in other countries it only accompanies; a total difregard to the public interest, both in the governed and governors; a · profligate and shameless avowal of private interest; a universal corruption both of morals and manners'-When we add to all this the unaccountable passion ' for governing the govern-' ment,' which has been long epidemical

mical there, we shall have completed

a picture as like as it is lamentable. If things should continue a few years more at this rate, what can they expect but to be obliged to ask with the old woman at Amsterdam ' ou demeure le ' fouverain? - But this there is no reafon to apprehend under her prefent spirited governor. We shall conclude this head with the words of the same elegant nobleman, whom we have fo often quoted with regard to that counib. Letter try. 'Hibernian spirits are exceeding-' ly inflammable—lenients and refrigeratives are, therefore, the only fuita-'ble medicines.' Had fuch a wife conduct been purfued on a late occafion, we had not at this day lost America:-So, essential is the fuaviter in modo, even to the success of the fortiter in re!

XXXIII.

Speech, March 21, 1776.

Scotland.

' PERHAPS,' (said Mr. Wilkes, speaking of himself) 'in my plan for the im-' provement of representation in Eng-' land,

' all most the natives of Scotland may be 'included, as they feem in general to ' have migrated to our warmer, and ' more fruitful climate. I am almost afraid that the forty-five Scottish gen-' tlemen among us, represent themselves.' Even if this farcasm were true, it were yet no grievance, as far as representation is concerned, fince in fuch a cause, they undoubtedly would have a right to represent themselves; yet this nation is deeply concerned in the subject of reform, if we are at liberty to judge from her complaints. Some of her causes of complaint, she has in common with England and Ireland-fome of them wholly opposite, but in general equally inconfistent; and often un-She has, in common with them, real. the defire of extending the right of franchise, beyond the limits allowed by the constitution for wise reasons, Wight, on account of the multitude and cla- Law of Parl. p. mour of communes, fimple persons, 389 Doug. &c.' These it is true, may be called 2. 108.

Ff

temporary

temporary reasons, similar to those that occasioned the prolongation of Parliaments, but, though temporary, they are fuch as have never ceased fince.-She complains that her burgeffes are not merchants, as they were appointed to be by the laws of the convention of boroughs; &c. which are now obsolete, unless, perhaps, for Edinburgh, which was excepted at the act of union .-She complains that they are not residents, as they were defigned to be by the original warrant for poll elections; which is also justy obsolete, 'as it would ' have been the means of filling the ' Parliament House with men below the employment:'- So it was wifely determined by the court, at the affizes of Surry, 20th July, 1681, before Sir Francis Pemberton, Chief Justice of the King's Bench. - She complains that the delegates for boroughs, &c. do not follow implicitly the commands of their constituents as they formerly did; that is, that they are not Slaves, as

ib. 1. 165.

D.ib. 102.

ib. 2. 106.

it feems they were formerly supposed to be. The unreasonableness, no less than the falshood of this complaint, ought to be evident to every impartial inquirer; fince, if they formerly did not deviate from her instructions, it was only because she did not formerly presume to instruct them. - She complains of ib. 2. 175. improper wadfets and naked superiorities to the great encrease of influence at elections. - This however, feems allowable, if comparative property ought to have it weight .- She complains, that honorary non-resident burgesses are allowed to vote at the election of delegates. This appears a more plaufible cause of complaint, if we will only allow that influence is a just cause; which yet I have answered before-As to re-This also feems more nefidence: ceffary to the voter, than to the reprefentative: Yet it would be hard to require residence on account of a trifling vote from those whose interest leads them to live elsewhere:-If England or Ff2 Ireland

Ireland complain of too great a proportion of boroughs; furely She has not the same reason to complain; since, though her royal boroughs may be nu-D. 2. 105. merous, they are none of them fingly represented-being divided for that purpose into fifteen districts; each division sending only one member; so her borough representation that amounts but to one third of her entire number of members in the English Parliament. Wales has also a similar advantage by the Statute of Henry VIII; but has too good fense to complain of it as a grievance.—She complains also, in common with the rest of the British dominions, of her decayed boroughs:-A complaint in which, however she may be authorized by the excellent Lord Chancellor Talbot; to omit Price, Poslethwaite, Burgh, Locke, &c. it is yet an uncontrovertable fact, allowed even by the demagogues, that this nuisance (if it is really one) cannot now remain in any great extent,

tent, no less than twenty-two of them which were represented in the time of King Edward I, having long fince ceased to send members to Parliament: As may appear from the writs still extent in the Remembrancer's Office in the King's Exchequer. I own I am far better pleased they fell so, than by the dangerous amputation recommended in Horace.—Inutiles ramos amputans Feliciores inserit-She also complains, I suppose, of a partial representation. Let her turn to antient Rome, and there behold the fatal confequences of a universal one; even by the confession speech, ib. on of Mr. Wilkes .- Her Peers are elected by ballot: A method which I have had already occasion to criticize upon. This, though at present much defired in England and Ireland: Perhaps may 23. be, however in Scotland, no less than in Rome of old, and at present in Venice-a cause of just complaint. As to the qualifications there: Since the year 1681, the qualification for elect-

tors

ib. 2. 171.

tors is the same with that established in England and Ireland. The like qualification also, and no more, is required for her commissioners—an inconvenience which she at present suffers in common with Ireland; yet, perhaps, does not complain of it as such: She and Ireland were put upon the same sooting of representation by Cromwell; perhaps it were well for the latter, had she continued so still. The proportion the former bears to England, is in point of representation; about one thirteenth—in point of taxation; one fortieth penny.

XXXIV.

Antient and Modern Demagogues compared. By the above detail it must appear, how unsounded most of her complaints are: And from a retrospect of all the causes of popular complaint in these kingdoms, it is no less manifest, how very far they fall short of those which excited the Tribunitial spirit in Rome; the principal grievance of the former being only the insluence necessarily attendant on just property;

that

that of the latter, the influence connected with property, unjuftly obtained; as must be sufficiently evident to any person who but slightly peruses L. 2. their history. The nobles had forcibly deprived the people of their just share in the conquered lands, and would not even fuffer them to earn a poor to Cafar. livelihood by their cultivation. This is the account given by Sallust of the fufferings of the people, and the effect they had upon them. Ubi eos paulatim expulsos agris, inertia atque inopia incertas domos babere subegit capere alienas opes appetere, &c. Such were the provocations that excited, perhaps justly, the spirit of the GRACCHI. These were the most accomplished and unblemished characters in Rome, qualifications that are rarely found together in any country. Yet a Senatu descivisse was thought by some of the best judges and greatest personages of their own age, to be more than a counterbalance to their other qualifications.-

Vell. Pat.

de. Har.

Some

Some of our present reformers are confessedly Gracchi; no less in virtues than accomplishments:—Why should they be also Gracchi in their only defect? I acknowlege the Gracchi have been in every age no less ready to retort the charge of faction upon their Opponents; but such a charge evidently consutes itself——

Quis tulerit Gracebos de feditione querentes?

XXXV.

Legislation and Taxation.

An enquiry into the defects of Parliament would be incomplete; were it to be wholly filent upon LEGISLA-TION and TAXATION. It is an opinion founded upon irrefragable (though modern) authority, 'that Representation and Taxation are reciprocal. But however, this opinion may have for that reason grown into deserved popularity of late: I will yet venture to affirm, that it has been wholly and fatally mifunderstood. To this only we owe the present rage for Parliamentary innovation—to this the recent loss

loss of America. It is true, that in 26th Mar. the affairs of the county Palatine and city of Durham, Sir Thomas Strictland gave it as his opinion, ' that being taxed, it was but reasonable it should have representatives.'-It is no less true, that Lord Camden maintained on a remarkable occasion, which I have already taken notice of 'that reprefentation and taxation were infepa-' rable.' But neither of these affertions go to prove that every individual who cafually pays taxes should therefore have a vote-an idea that, however, it may appear splendid in speculation, however it may be practicable in rifing or infignificant States, must for ever be not only impracticable, but fatal, to an adult and a flourishing one. Nor was this confidered either as a constitutional defect, or as a grievance by our wife ancestors; not is it yet univerfally looked upon as fuch. The county and city of Durham, paid fubfidies above fifty years before they came

Grey's Deb: 1. Sheffield, Manchefter, Birmingham, Leeds, &c.

to be represented.—The city of Ely is not yet represented; yet pays taxes. A variety of other respectable towns, though equally taxed, are unreprefent-The inhabitants of the Isle of ed. Man have been lately subjected to pay customs and duties, though they fend no members to Parliament; yet these are not, therefore, heard to murmur. So true is it, that those are not always the readiest to complain, who appear to have the most occasion: Neither does the just plea, formerly alledged against the King's assuming the right of taxation folely of his own authority, at all avail against the same power, when exercised by the authority of Parliament. Such was even the fense of the republican party in the civil wars.-The ordinances of 1642, and 1646, while they exempted the remote colonies from taxation, by the fingle authority of Parliament, manifestly, though tacitly, afferted its right even over them. The latter of those ordinances,

nances, however, excepted Excise.-The same was the sense of the convention Parliament of 1660, who, also afferted this right by a grant of Tonnage and Poundage, which was still further enforced by an act in the reign of King William to the same purpose. 1696. Not to mention the duties laid on, in 1672, by the same Parliament that proposed the bill of exclusion-or those proposed by the whig ministry in Qeen Anne's reign, which were only prevented then by the Tories coming into administration; and which have been realized fince—a manifest proof among many others I could adduce, that those who advance a contrary idea, can be no better than Tories. During all this time there was no complaint heard among the colonies, a collateral proof, that it can have only arisen of late in consequence of misapprehending the enlarged sentiments of those great oracles of legislation whom I have already quoted, and Gg 2 might

might have easily removed, did they desire to be set right, by only an inspection of their own charters. If this is a decided truth, even with regard to the colonies, how much more must it be so with regard to the King's natural subjects?

XXXVI.

NEITHER have the ideas of our modern republicans been less erroneous, with regard to Legistation: They look upon it, 'that the obedience of every individual is not due, were every in-' dividual is not numerically represent-'ed; that a country that is subject to the legislative department of another s country, where it has no voice, must be in a state of flavery: That those who on a late occasion addressed the Throne, to maintain the supremacy of Great Britain, presented bloodthirfly Petitions; and that in every free State, every Man is his own Legiflator, and has a right to refift any power that attempts to deprive him of

of this right.' Such are the fentiments and words of Dr. Price. How fatal would it be for the public peace if they were generally adopted-How opposite and irreconcileable would the opinions of individuals be found! How irrational, ignorant and illegal! How impracticable to collect them! How ruinous to realize them! How much fafer to attend to the decisions of those who were no less moderate in their principles, than they were confessedly enlightned and patriotic in their object? Let us rather adopt the declaration of the act of his present Majesty's reign, passed when the excellent Lord Rockingham prefided at the treasury: 'That the King and Parliament of Great Britain have authority to bind the colonies:'-Let us believe with the great Lord Chatham, 'that the authority of Great Britain is supreme over her colonies, though not in the same sense. as it is over Great Britain:'-Let us allow with Montesquieu, 'that while ' fhe

On Civil Liberty, P. 75,

' she keeps the body politic in a state of dependance; she makes the indivi-' dual completely free!'-Let us maintain with the divine Plato, that the best government is the empire of Laws and not of Men-that every individual of a free State must be a flave to its laws. or forfeit the benefit of public order; and that, in fine, such a slavery is the only defirable liberty:-And let us learn from the examples of all antient and modern republics, that the legiflative Furor in individuals is the worft calamity that can befall a State. It is true, that Junius, while he listens to Lord Chatham ' with diffidence and ' respect;' yet declares that it is ' without conviction or affent: Yet furely, where Junius listens with diffidence, it may be allowable, or even prudent, in others to acquiesce: All civilized nations have ever exercised supreme dominion over their colonies; nor has the right being often called in question; nor ever, but unwifely. Americans Americans were, fatally for themselves, no less than for us, of another opinion.

—The dispute is however, over with America:—Why should we madly revive it at home by a fruitless quixotism of reformation?—Would it not be wifer to adopt the sober advice of St. Paul, in leaving such unprositable questions, because they only engender strife?

—and to submit to those powers that are appointed to have rule over us, for the advantage of the good, and the terror alone of evil doers?

XXXVII.

Having premised these general cautions; I shall now proceed to make such remarks as occur to me upon the present state of our Legislation and Taxation; though I will not pretend to discover any glaring defect, either in those laws or accounts which have stood the test of ages, and in which the Marquess of Rockingham and his able coadjutors, successors, and predecessors have

have seen no necessity of a violent reform. I wish I could however say, that the state of either were wholly without exception. As I have already observed, that the laws in general are too complex; fo the taxes, perhaps, are in some instances too heavy:-Our Financiers seem to agree with Mr. Gibbon, that ' penury is productive of ' fobriety and virtue,'-and our legiflators feem to have been long of opinion, if we may judge from the many inaccuracies in our Statutes-' that ig-' norance is the mother of obedience, no less than of devotion;'-yet perhaps, the knowlege of plain laws

" That he who Runs might Read,"

would be a far safer principle of legal obedience than their obscurity, or even than the strange perfection Lord Bacon slatters himself, he finds in their prolixity—and the prosperity of the subject (would our rulers only think so) might be found a better pledge for the support

their De-

Douglas passim. government, than his inability or difcontent: For what can be expected from that necessity of the Poet

> Clavos trabales et cuneos manu Gestans abena

but some violent attempts at home, or desperate emigrations abroad, such as have half depopulated Ireland of her artists and laborers, and filled her with felf-commissioned Volunteers; not as they ought to be, under the controll of the constitution, or under the command of the King; and which, therefore, must expect to be considered by all the friends of government—(I hope however, without cause,) as equally inimical to both?-Those unhappy emigrations, it is true, might be prevented by law, according to the practife of the old Carthaginians-an experiment, which was also fatally made in the time of King Charles 1st-but would it not be far better to adopt, with Lord Chesterfield, such lenitives as might remove, or at least palliate their Hh cause,

cause, than endanger the peace of the State, by a fruitless endeavour to oppose natural and unavoidable consequences? or become accessories to its ruin, by not providing against them?—That such evils abound, especially in Ireland, cannot but be known to every one: Nor can they exist there without a cause:—And that person ought to be looked upon as the friend of the subject, no less than of government; who will undertake to affign the true one.

XXXVIII.

It is a invariable truth, that has prevailed without exception, from the days of Catiline to our own; and which feems to have been well understood by our Norman ancestors: 'That those are universally the best subjects, who have the best stake in the State.' There is no subject whatever so insignificant (according to a calculation of Mr. Addison,) as not to be of some benefit to the State. There is no subject, therefore, that ought not to feel some interest

Sall. 2. Ep. ad. Cæs. terest in supporting it. Allow the subject those advantages he is so justly intituled to: He will not look after unsafe or precarious ones. Establish the prosperity of Ireland, which now alone remains to the empire

--- Spes unica restat Iuli-

you will be secure of her allegiance, and of an encreased revenue. It is ridiculous to say, that this will diminish Great Britain; the contrary is the truth, that it must finally aggrandize her.

XXXIX.

For this defirable purpose, it were necessary that such a system of taxation should be adopted, as would encourage the artist, not oppress him; enrich the laborer, not banish him. The industrious Moors were once banished from Spain: This might have been considered as a Resorm at that day; but it was such a resorm as Spain has never recovered from since: Could we be made wise by so fatal an example, the

benefit would largely accrue to ourfelves. The lands would thus unquestionably obtain a better price;
when there were more, and better, tenants, and purchasers.

XL.

AFTER what I have already declared, our governors will not mistake me for a Demagogue; even were I to advance one step further. Under this expectation I will venture to pronounce with Doctor Swift; that if the fecurity of the State is best provided for by the happiness of the people: That system of taxation, too long continued in these kingdoms, whereby an extravagant fubfidy levyed upon the public goes only to defray the interest of an unnecessary and insuperable national debt, will be found in the end, no less fatal to Great Britain and Florence, than it was of old to Macedonia. I acknowlege the present time furnishes, both in public and private, illustrious precedents, to keep fuch a fystem in countenance.

Answer to the Crisis.

tenance. But does Multiplication palliate a mif-calculation? Does it not on the contrary, make it more glaring and fatal? I will equally allow, that it is easier for the public to pay an annual interest, however large, than the principal.-I will yet affirm, that That proceeding, which would be madness for a private gontleman to pursue upon a smaller scale, cannot be wisdom upon a large one-Such a conduct as would occasion private bankruptcy, must prove in the end, national ruin. The prophecy of the Poet will for ever hold true-

Hinc usura vorax, avidumque in tempore fanus! Hine concussa fides, et multis utile Bellum!

Nor shall even the great authority of the right reverend Patron of this fystem; Bp. Burever reconcile me to his opinion-And as to that mysterious veil, that it is the fashion at present to throw over politics: let not our rulers imagine that any artifice They can adopt, will

ever prevail upon the people to prefer a Stone to Bread.

XLI.

But if fuch arts are indeed become necessary; if an insuperable taxation is indispensible to the permanency of the government, according to the idea of the great Prelate-to what causes are we to impute it? To what, [that the peace of the State can only be fecured by the oppression of its subjects? To what but to the same cause that obliged Cæfar to pass the Rubicon-That obliged Cromwell to accept the Tyranny-That obliged the immortal William to defert the party that first invited him over .- Alas! the cause is too obvious-Demagogues you need not ask it it of Me-Behold it in your own turbulence-Look for it in your own breafts!

XLII.

But though the present system may still be thought necessary to be continued;

nued; the attempt would be well worth our trouble, to make it palatable to the people. To realize this idea, it were happy if all our confolidated taxes could be raifed by the way of LOTTERY. This would alone and at once obviate the two great objections to our present modes of taxation; that they fall chiefly upon those who are unable to pay, and upon those who have not given their confent. Since none would contribute to this but fuch as were alike able and willing. This would also for the same reason be found the most productive of all taxes. To make however, fuch a regulation either fafe or defirable, it were necessary that all INSURANCES should be absolutely prohibited. These can have no other possible effect than to corrupt and impoverish the people. The like pernicious practise of Stock Jobbing is at present greatly restrained in France.

XLIII,

Some taxes might alfo, perhaps be devised, that would even contribute to the morals, religion and health of the State: Nor will it furely be denied, though it feems to be little adverted to by our legislators, that population and industry ought to have their privilege -Such was the just idea that proscribed idleness and profligacy in Ægypt and Sparta, that banished medical empirics, and dictated the Jus trium Liberorum in Rome—that wholly emancipated from taxation, the Father of four Children in Sparta. If a fimilar regulation were adopted here, the deficiency occasioned to the public funds by these draw-backs, might be easily restored by a tax upon their contraries-Immunities might also be very properly allowed to religious conformity—to be compensated by a tax upon non-conformists.-And this proceeding, I believe, would be found far more effectual than those penal laws, which

whose inefficacy has been so fully experienced in Ireland.

TXIV.

In general, taxation ought to be laid rather on the luxuries than the necessaries of life. The great have privileges enough of another kind: In this respect the poor ought to have a privilege in their turn .- And if laid upon luxuries; it ought if possible, chiefly to direct itself against impositions in them.—As a tax upon wines, &c. ought include a tax upon deceitful measures-a proper encouragement to the fair dealer, and an obstacle to every infidious advertiser. Neither ought the tax upon wines be fo high as to furnish a new pretence to absentees in Ireland. 'But those cursed vi-' pers,' (fays Dr. Swift, speaking of the Legion Club, and on this very subject), ' use all means in their power to en-' crease the number of absentees.' bove all; no tax should be laid proposing a public benefit, for which either nothing

nothing absolutely is done, or what is done appears partially done.: As either of these omissions must have the neceffary consequence of discontenting the people, and destroying the public confidence, without which no government can long subfift. Such is the present complaint in the city of Dublin, against the Committee for lighting and paving; feveral whole Streets and even Parishes in that metropolis, having been for feveral years past, enormoully taxed for the latter purpole, and of late also, for the former, who have as yet received little or no benefit from either of those desirable improvements.—Neither should any tax be laid that might have a direct tendency to destroy the health or morals of the people.—Such I conceive to be that branch of the excise, that enhances the price of wholesome malt liquors-the natural confequence of which must be, the preference given to spiritous and deleterious ones.

SIMILAR

XLV.

epidetal redicica

SIMILAR rules may serve to direct us, in forming a judgment of Legislation: It ought not on frivolous occasions to restrain the natural liberty of the subject.—In this respect the whole body of antient forest laws introduced by the Normans; and, what are confessedly grafted on them, our modern Game Laws deserve and receive the servere reprehension of Blackstone. I am, however, happy to add, that we may shortly expect a revise of them from the patriotic attention of Mr. Pitt.

B. 2. C. 27. B. 4. C. 12.

XI.VI.

IF it is well observed by Erasmus, that an unjust law ought not to be obeyed: —Perhaps, the 'Marriage 'Act,' might fall under this censure, as it militates, for very indefensible reasons, against an original law of nature. If we will equally allow 'that an unight tax ought not to be submitted to,' perhaps, That upon News-papers, the Li 2 general

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general vehicles of useful information, is as unsuitable to a civilized State, as it would confessedly be to require a qualifiation from the representatives of colleges in Parliament. Possibly, the laws might be made in some instances with propriety Arieter—as in the affair of Female Seduction; and in other instances more lax—as in cases of Petty Larceny. Of the latter there are, perhaps, but few instances to be found-Under the former head it were no doubt definable, that the fufferings of unfortunate debtors should be alleviated -Why should those be obliged to remain a tax upon public Charity, who have already, by their imprudence, become a cheque upon public Industry?

XLVII.

B. 1. c. 2. Beccaria. c. 7. Sp. L. B. 6. c. 13. Rambler, No. 114. This severity on services occasions is acknowleded by Blackstone, to be the stain of our jurisprudence—and has been observed by Montesquieu, Beccaria, and the learned Dr. Johnson, to be so far from adding strength to laws, that

it necessarily invalidates them.-For who will be accessory to bring a criminal to justice, who is conscious that the punishment is beyond all degrees too fevere for the offence?-And what jury will be found to enforce fuch a fanguinary legislation? Two fatal confequences follow from this: - The perpetual impunity of transgressorsand the necessary application of Informations and Attachments, when the lenity of the juries would have failed to bring offenders to fuitable punishment. But however these compendious and unpopular processes may be fuitable to the spirit of the Criminal Laws; yet, if it is a well known truth, that the freedom of Rome was established by the mildness of the Porcian Law, and perished by the severity of the Imperial; how defirable must such a revision of our laws be, as would accommodate them to the Porcian principle! How effential to our just liberties! And how inseparable, even from the safety of the King,

King, according to that wife preamstat. 1. c. ble in the Statute, 1 Mary—' that the
'State of every King confifts more af'furedly in the love of his subjects,
'than in their dread of rigorous laws!'

Blackst. B. 4. c. 1.

But fuch a revision as this can never be expected from a Tyronical Parliament.' 'The enacting of penalties to which a whole nation shall be subject, ought not to be left,' (fays Blackstone), ' to the passions or interests of fuch as upon temporary motives may ' prefer or support such a bill, but be calmly and maturely confidered by ' persons who have experience to fore-' fee the probable consequences, and ' who will judge without paffion or ' prejudice, how adequate they are to ' the evil.' And happy, indeed, were it for the public, could the lower house be prevailed on to adopt, in the matter of Criminal Laws, the wife precedent of the House of Peers, who never even read a Private bill which may effect the

the property of an individual, without hearing first the report of the learned Judges thereon! How much more effectial such a precaution, when laws are to be established that may effect Thousands!

XLIX.

Bur the laws that regulate Elections, are those which come home to our prefent subject. To these many objections are made that principally, I think, concern Ireland: As, that the voter is not obliged to swear that he is of age, according to the regulation, 18 Geo. c. 13. 2-that the Bribery Oath is not incorporated with that of the freeholder, and administred at the same time.-That pretended converts, fraudulent rent-charges, and occasional freeholders, are not fufficiently guarded against. -That there is an inconfistency between the enacting clause of er Geo. 2. and the rent-charge oath itself .-That the falutary clause in 18 Geo. 2. whereby the forty-shilling freeholder is obliged

obliged to fwear to being in actual possession for above twelve calendar months, is overlooked in 21 of the fame King.-That the 'Legal Voters,' fpecifyed in the sheriff's oath, 2 Geo. 2. are omitted in the Irish Stat. 3 Geo. 3. -That the sheriff is not bound by a fufficient penalty against double or illegal returns .- That it is not fufficiently ascertained, whether he can refuse to give the freeholder's oath-whether he is bound to grant a scrutiny, and when it is to be-or whether he is obliged to make a return of the writ, on, or before the day of the meeting of Parliament, the Statutes on this subject, I Geo. 2. and 2 Geo. 1. appearing to be inconsistent.—That each election in Ireland is confined to one place, to the great expence of the candidate and fatigue of the sheriff; -contrary to the practise of England, and the Stat. 18 Geo. 2.—That the sheriff is not sufficiently limited as to the time of holding county elections, contrary also to the

C. 24.

C. 18.

the English practice, and Stat. 7. and 8. c. 25. W. as also Stat. 18 Geo. 2 .- and that c. 12. he is not sufficiently secured from the attacks of the unfucefsful candidate.-That the successful candidate is not required to fwear to his age, according to the antient law, 23 Henry 6, &c. Of these or other objections that may be made, I do not pretend to affert the validity. I think, however, they may furnish a plausible pretence for the revisal of election laws-at least in Ireland. - And I have in general, to obferve upon them, that whatever fuperior defects may be found in Irish legiflation, are only to be imputed to the greater prevalence of the Tribunitial spirit in that country.

BEFORE I leave this fubject, I cannot help wishing with the great Lord Camden, that the Commons in their decision with regard to elections, would look upon themselves as bound to adhere to the Law of the Land .- I know they Kk have

have made it a rule to adhere to their c. 24. § 4. own last decision, by Stat. the 2 of Geo. 2. but this rule has been often violated, nor even if it was strictly observed, is that last decision always agreeable to the law of the land .- I am equally fenfible, that this great question was negatived in the English House of Lords, February, 2d, 1770:-But whoever peruses the inimitable protest of the forty-one Lords of that day, must allow that it ought not to have been negatived. It is true, they were a minority-but were not a Camden, a Rockingham, a Huntingdon, a Temple, a Littleton, a Northumberland, and a Chatham found in that minority? did they not support the spirit of the constitution? did they not speak the sense of the nation; and if they have unfortunately spoken in vain-is not this very circumstance a grievance that requires a reform?—We have now done with Legislation and Taxation. With regard to the latter, I shall recommend the

VIII. in Shakespeare, to the serious attention of all those with whom such an important power is entrusted.

We must not rend our Subjects from our Laws,
And stick them in our Will—The fixth part of each!
A trembling contribution—Why, we take
From every Tree, Top, Bark, and part o'th' Timber,
And when we leave it with a root thus hack'd,
The air will drink the rest.——

LI.

So much for the DISORDERS of Parliament—we now proceed to their REMEDIES: The obvious remedy for any diforder, is the opposite to its cause: I have shewn the root of all the diseases of our constitution, to be the Tribunitial spirit, either in the people or their representatives. The first and most essential step to a reform, is the abolition of that spirit. When that spirit expires in the people, it will no longer be found in their representation. When the opposition of counties ceases, court influence need no longer be employed to counteract it. The Tyro's Kk2 will

only to be remedied by a Reform of Parliament. will cease to be returned on either side. when clamour gives place to pacific The Fountain of Honor will debate. no longer be polluted by a vain attempt, to wash the Æthiope white. A feat in the upper house will then be no longer the price and asylum of political proftitution, The lower house will thus once more be restored to its rightful owners, the Magnates and Sapientes. The real sages of the law will again be reinstated in that place, to which they are so justly entituled. The King's faithful fervants will no longer be excluded from affifting at the national councils. I know it is the common idea, that this will give a dangerous over-ballance to the influence of the Crown: And it is as generally as unjustly supposed to be the King's defire that they should be there. On the contrary, it is well known, that those very Kings who originated boroughs, did not avail themselves of this method to encrease their influence:-Some of them

them even would not fuffer their fer- Hume, vants ' to waste their time there.' And c. 1. the present royal family have at least as little occasion for such services as their predeceffors, fince, as far as the former furpaffed in prerogative, they outgo them in constitutional influ-The last, though not the least, advantage, will be, that the Leffer dignitaries of the church may be Then invited to possess those seats in the Lower house, to which they are as well entituled as the Prelates to the Upper; and from whence they may be permitted to recede, as the filij nobiles, &c. do at present, whenever they come to be entituled to rank among the Peers.

Nor ought fuch a change as this to be confidered as an innovation, however it may appear one. I have already observed, that the church con-p. 60. vocations made an effential part of our

Mod. Un. Hift. 33. first Parliaments, as they do still in the Swedish Senate, &c. They also consisted of an upper and a lower house. As the upper has been since consolidated with that of the Peers, who sit there in right of their Baronies, it seems equally reasonable that the lower house should be embodied with that of the Commons, in right of the whole body of the church, which they were originally designed to represent.

Alterius fie

Altern poscit opem res & conjurat amice.

Such a union, if it could be brought about, I conceive were much for the peace of the King's government—and consequently for the peace of the State.

James I.

consequently for the peace of the State.

So kindly to monarchy,' (says Hume)

is the genius of the church of England—such its submission to episcopal jurisdiction—such its attachment

to ceremonies, to order, to a decent

pomp and splendor of worship—in a

word, such its affinity to the tame

spirit of the Catholics, rather than

the wild fanaticism of the Puritans!'

NEITHER

T.III.

NEITHER are we to look upon such a union as unprecedented, even in the modern ages of Parliament. It appears from the Journals of the lower house, Douglas, fo late as the First of Queen Mary, that Alexander Newel, prebendary of Westminster, was thought a proper perfon to be returned as one of the burgesses for Loo in Cornwall. It it true, he was declared to be disqualifyed from taking a feat in the house; but this difqualification arose, not from his being a clergyman, but meerly from his having a voice in the Convocation house-a circumstance which makes it sufficiently evident, that, in the opinion of the wife commissioners of that day, Holy orders were in themselves no difqualification for Parliament!

LIV.

THE introduction of the clergy was no less recommended, by the French Financier whom I have formerly quot-

ed, to the American affemblies .- 'Tell me,' fays he, 'I pray you, why should a citizen, who has the same interest as the rest, in the defence of liberty and property, be excluded from contributing to them by his virtue and knowlege, only because he is of a profession which makes virtue and knowlege more necessary?' I have already hinted, that it has long been the defire of gentlemen of the law, to confine the parliamentary title of Sapientes exclusively to themselves. But that this epithet, originally at least, included the Church, the Grand Costumier, that curious and authentic monument of the laws of Normandy, to omit other British, Danish, Spanish, Swedish and Saxon authorities, can sufficiently inform us .-Les juges sont sages personnes et autentiques-ficome les archevesques, evesques les chanoines des eglises eathedraulx et les autres personnes qui ont dignite in sainte eglise; le sabbez les prieurs conventaulx et les governeurs des Eglises, &c. That

Dugd. Orig. Jun c. 8. That the clergy were univerfally the original practitioners of the law in England; we have the express affertion of William of Malmesbury ' Nullus cle-' rus nifi caufidicus,' however they have been of late excluded by an unaccountable regulation in Ireland, from appearing as advocates, even in the civil courts.—Nor were Barrifters known as a distinct profession, till the Spelm. time of King Edward I .- But whatever may be the pretention of Lawyers to the exclusive title of Sapientes: They have, however, present possession, which is nine parts of the law. It is happy for them, that the Law is not Gospel, or their kingdom of the next world, or they would be equally fet afide with the clergy, in this.

De geft. reg. L. 4.

Gloff. 37. Dugd. Orig. Jur. 55.

I HAVE already answered the other pretences that are usually alledged, to support the unjust exclusion of this respectable body of men from their place in the great council of the nation; and

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as I conceive, that the full dignity of this order is highly effential to the public integrity—I think such a hint as is here given, ought not to be overlooked in any project that may be devised for the reform of Parliament. And if we were to add to these, the principal Sages of Physic who were originally involved in the decline of the church, (the first depositaire of this science no less than of law), and who seem, in general, to be since overlooked as unsuitable to Tribunitial purposes—perhaps the salutary prescription of Shakespeare—

" Take Physic Pomp,"

might, if properly administered, have a a considerable power to effect the renovation of our body politic, and serve us instead of a more violent reform. The superior and various information of these gentlemen, so justly celebrated by Blackstone, added to their acknowledged humanity, if they could not entirely insure the health of the State:

Introd. §

State; might at least prevent the deformity of the laws, and contribute to render them more palatable to the people. Such is the sage practise of Physicians described by Pliny and Tasso—

Plin. L. r. Ep. 8. Fairfax, &c.

So we, if children young diseas'd we find, Anoint with sweets the vessel's foremost parts, &c.

Nor has their falutary effect upon the body politic, been less justly acknowleged by that accomplished Statesman and Poet, Mr. Waller, in a beautiful compliment to his friend Dr. Rogers—

As fam'd Hippocrates did once extend
His facred art whole cities to amend;
So we, my friend, suppose that thy great skill,
Thy gentle mind, and fair example, will
At thy return reclaim our frantic Isle,
Their spirits calm, and peace again shall smile!

LVI.

THE exclusion of these salutary Phyficians of our Commonweal, perhaps, may be in part owing to the multiplicity of State Surgeons, who have been too long in possession of our Parliaments. The reader will easily understand, that I mean the Military Order,

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whofe

whose chirurgical skill, would, methinks, be much better applied to the enemies of our King, than his liege subjects; at least if they have no better fuccess in politics than they had in the late American war, it is high time that their fervices were dispensed with. I would not, however, wholly exclude them from our councils, no less for their acknowleged antiquity there, than for the firmness they may eventually give to our Parliamentary proceedings? But furely, it were a wife branch of reform, if none under a certain military rank were admitted to a feat there, as perhaps, of all quacks, these are the most dangerous to our body politic, as they are notoriously the least qualifyed. And for this falutary idea, I am indebted to his late Royal Highness FRE-DERIC PRINCE of WALES, to whom I must also acknowlege my obligation for the no less desirable hint of an Abolition of parties. Auspicious ideas! which would have been realized, had He Minute.

He lived to possess His hereditary throne, and which these nations have been hitherto unhappily deprived of, by His lamented and untimely death!—Such a reform could alone remove from our Senate the hackneyed appellations of a Goose-pye and a Cock-pit; and make it indeed, what it was designed to be, THE AUGUST COUNCIL OF THE NATION!

breaks an ince cinvi family of their

A REFORM of this kind could not fail to be attended with several signal advantages. To the Peers; that they would no longer stand in sear of the innovations of the lower house—be denyed their due influence on elections—or be reduced to the necessity of supporting it by unpopular and inessectual means. To the Clergy in general; that they would be consulted, at least in laws that concern themselves; a propriety which has not been always attended to—or if they are to be taxed separately from the Peers and People (which

(which has been fometimes iniquitoufly proposed) they would have at least the small satisfaction, that their own confent was given in Parliament. To the Military fenators; that they would no longer remind us of Congreve's description in Love for Love; of a Captain without a head, and his beart where his head should be .- To the People; by instilling into their breasts an idea of the fanctity of their legislators, and, in consequence, a quiet and submiffive spirit,---To the Parliament if it could not be expected to restore primitive virtue—it must at least confiderably contribute to its external decorum and dignity; And even these in the present situation of the world, must be looked upon as defirable acquifitions-And might it not be a confiderable improvement of the very best laws; if they were through their whole progress, under the inspection of those who have in charge the health, religion, morals and fecurity of the nation?

LVIII.

.THE further advantages that would follow from fuch a reform are innu-The retention or exclusion merable. of placemen of pensioners, would become wholly indifferent when there were no more jobs to be supported, no more oppressive taxes to be raised, no more representatives to be corrupted, no more tribunitial opposition to be counteracted. The very existence of all exceptionable pensions must gradually cease, when there were no more unrespectable services to be rewarded: Or if the law for excluding from Parliament the few that remained should still continue, their re-election would be no longer either objected to on one fide, or thought necessary on the other. Neither would fuch a bill be ever thought of in Ireland. And if it is true, what has been faid, that the qualification bill is often evaded in England; this evafion would be no longer either either counteracted or reprobated:-Even the qualification itself might become unnecessary-either there or in Ireland. As venality by degrees declined, proper influence would again come in play, and country gentlemen would live on their own lands to maintain it. The natural consequence would be, that the kingdom would flourish, and lands bear double their present value. Respectability would thus be restored to the debates of Parliament:-Our load of taxation would then be alleviated, as well as the bugbear of borough influence, when that tribunitial spirit which rendered them both necessary, was lulled to rest; and those privileges which have been fo often misapplyed to the obstruction of justice, would either become wholly obsolete, or, if still continued, would cease to be an inconvenience to the people.—Those privileges have of late been alleviated in England-were it not still more necessary in Ireland? It has been

an old and true observation, that those who were least intituled to them, have been ever the most tenacious of them-

> Roaring 'till their lungs were fpent Privilege of Parliament-

but all fuch would be happily removed, by realizing this falutary plan of reform.-Neither would questions any longer be determined rather by Number than Weight, according to the lamentable account given by Pliny of his own time-Vota nunc numerantur non ponderantur!

LIX.

Such a plan of reform, could we be Plan of a persuaded to rest there, might be ef- nal reform. fectually realized with little trouble, fince it confifts but of one proposition · Abolish the Tribunitial spirit.' This alone would prove a complete Panacea for all the evils of the State, restore our august Parliament to their original characteristics, and secure us at once from the clamor civium prava jubentium, and the Metus instantis Mm tyranni,

how little chance there is of such a proposal meeting the approbation of our demagogues. I am no less aware, how little suitable it is to the general temper of the present age: And I should indeed deserve to be laught at as a Utopian Legislator, even by our visionary demagogues; if, while I proposed a plan of an essential reform, I did not attempt to cloath it in such 'a questionable shape,' as may expect to be, at least in some measure, realized.

LX.

It ought to begin with the Electors.

I HAVE already, I suppose, sufficiently shewn the original character of Parliaments, and what changes ought to be made, if we would recall them to their primitive idea: But to make this projected reform possible, it is necessary we should first reform the Electors.— And this most disagreeable part of my task I have reserved to the last—and, if truth and indispensible candour would permit me, would wish wholly to omit.

In my attempt to restore the original constitution of Parliament, I was authorized by the animating examples of many of the most distinguished perfonages of present and past ages. Parliaments are supported by power; and to oppose the dereglemens of power requires only the principles of a free citizen, and the firmness of a MAN-But to make remarks that may perhaps appear invidious, however well defigned, against those who are too apt to imagine that all power was originally given against Them, and that to attribute to God or Cæsar their due, is only a conspiracy to plunder Them-to furnish hints that may feem further oppressive to those who consider themselves as under a yoke of oppression already-Traits like these require the most delicate hand of the most consummate master, and I hope the whole body of my brother freeholders will give me credit when I add, that nothing less could extort them, than my absolute conviction, Mm 2 that

reform must be found ineffectual, under the present state of the elective franchise. In this persuation then will I be forgiven if I assert, that every attempt to an advantageous reform must necessarily begin with the People?——
It is further requisite to make it extensively useful, that it should respect the counties at large, rather than those isolated and insignificant Boroughs, which are at present the general subject of popular declamation.

LXI.

I HAVE already observed that it is the spirit of the constitution, that no individuals should have votes but such as are virtually free:—For this reason Minors are forbid to vote. It is no less the spirit of the constitution, that voters should possess such a stake in the State as may secure their sidelity to it. Such was the wise limitation appointed by the Statute of Henry VI: Any reform that can be constitutionally made, must

must be regulated by these two ideas. Let us compare the county elections with the first of them. Who carry all before them at those elections?-Who, but great majorities of the lowest of the people, even of forty-shilling freeholders?-Are these free? are they not less free, less enlightened, than many Minors? Is not fuch a franchise opposite to the spirit of the constitutions? Is it not opposite to common reafon? Again-let us compare them with the wife limitation of Henry VI. I am fensible that that very limitation I commend, is itself considered a vile innovation by many of our demagogues-But if we are to regard a Statute of Henry VI. as an innovation, where then are we to look for our constitution?-We must go to the Saxons, to the Picts, to the Belgæ, to the Welsh, to the Milesians, to the Hermini, to the Brigantes, or the Lord knows where. If the Statute of Henry VI. be not our constitution, I am sure we shall never find I respect even the Letter of that Statute, I am still more tenacious of the Spirit of it. If we consider the great disproportion of value between the sum of forty Sillings from that time to the present; will it not be manifest, that what was constitutional then, must be unconstitutional now? What a constitutional reform, therefore, would it be to restore it to its original standard? How would such a reform at once establish the freedom of the elector, and the respectability of the representative!

LXII.

PERMIT me to ask one other question—If the provision made for encreasing the qualification of Representatives was confessedy a wise one, is it not a defect in our laws, that the qualification of Electors has not been proportionably encreased? Is not the want of such a provision one great cause of the late acknowleged corruption at elections?

elections? I am yet sensible that this proposal is very opposite to what the public expect or desire, if we are to judge from some late unaccountable plans that have been offered—but were they constitutional? were they rational? were they even possible?

LXIII.

I HAVE another grievance to mention which may expect a better reception. It is already, I suppose sufficiently apparent, that I am in general no more a friend to an unlimited extension of franchise, than to an election by ballot, or a contracted duration of Parliaments. If I had no other reason to alledge, the necessary confusion attendant upon all these innovations (and especially the last of them) would have fufficed to direct my opinion, as it directed the measure. But is there no further extension of franchise that might be defirable, even upon my plan? On the contrary—are not the Tenants by Copyhold, from what I have already observed

observed of them, entituled to expect fuch a franchise? When they were originally prohibited from a vote, they were only as we have feen, Tenants by Will—Since the generofity of the law has put them upon a better footing, by making their property hereditable, ought they not also to be allowed the common right of fuffrage in proportion to their property? And I am happy to find myself seconded in this opinion by so good an authority as Mr. PITT. What I have further to offer on this head, I am proud to refer to no less an authority, that of his illustrious FATHER. An addition to the prefent number of county representatives has been propofed by that unblemished patriot. Even if we could be inclined to dispute such an authority: Yet what I have already remarked upon the returns directed by Magna Charta, must convince us that fuch an addition were perfectly constitutional. If this reform be expected to take place, no part of the

Speech, April 18, 1785. the British dominions stands more confessedly in need of it than Wales, an antient and loyal Nation! which yet possesses no more than a single reprefentative for each county.

the spirit me ' sh.vix.

WITH regard to Cities; we have feen that only two were originally represented; a proof, that representation was not thought an inherent right of every citizen. If we should however extend the elective franchise Ely, Manto fuch cities and corporate towns as Birmingwere originally omitted, or have arisen Leeds, &c. into consequence fince, and do not yet demand it; still preserving the relative representation of the united kingdoms: This were at once to pay a tribute to public justice; to popularity, and to the dignity of Parliament. A defirable branch of reform, that has also obtained the fanction of Lord Chatham's opinion; from a magnanimous idea, that what was so manifeftly for the advantage of both kingdoms, Nn

doms, cannot be contrary to the spirit of the act of union! however it may be opposite to the letter. So true will it be found in laws no less than in religion, ' that the letter killeth, but ' the spirit maketh alive!' Nor, though I am professedly no demagogue, do I yet defire to reject the enlightned idea of Mr. Wilkes, that the great metropolifes, as well as the most populous counties of these kingdoms, are justly entituled to an encreased representation-And if there should be found in those metropolises, or essewhere, any freeholds that are wholly unrepresented in our Senate, and are yet by the laws entituled to fuch a franchife-furely their just right ought to be no longer withheld from them!

Speech, March 21,

TXV.

I HAVE already spoken of Boroughs, and how unconstitutional it would be to destroy them. But though I am and always will be an advocate for Proper Influence—I am as far averse

as any man alive to systematical corruption-All that I contend for is, that if in any instance corruption should be proved against them; the offending one may be punished either by a temporary recall of the franchife (which New Shore has been exemplifyed in some instances) or by any other fuitable punishment the legislature may inflict. But I would not have the punishment wholly disproportioned to the offence-I would not have the recall of the franchise perpetual. Whatever latitude may be allowed to the dispensation of God: Surely the fanctions of human laws ought not to be eternal! And I am also convinced that all the benefits we could reasonably expect, even from a revocation of the franchife, might be attained in a less exceptionable manner, by a prevention of that illegal traffic that is faid to have been of late flagitiously practised in the disposal of boroughs. This may be a just pretence for the inspection,

ham, &c.

or perhaps, for the renovation of the charters of those boroughs, though by no means for a final revocation of When the fale of boroughs is once removed, the plea for venality in the representative will be effectually abolished-And this reform alone, without any further change, would infallibly remove the worst corruption that has ever been alledged against Parliaments, as well as prove the most efficacious remedy that has been hitherto proposed against the violence of the democratical spirit—For that spirit must naturally languish and expire out of doors, when it finds itself no longer supported by the enthusiasm or venality of its Patrons within.-And as to what would remain of improper borough influence, after this great Remora was removed: I mean the influence of those Patrons who happen to be themfelves, from interested purposes, in opposition to government, over such representatives as are not purchasers:-This

This I look upon as a little evil, neither numerous, permanent, nor consequential. It perhaps might be still a further improvement, that the tryals for contested elections should be removed from the Parliamentary committees to the court of Chancery that originally took cognizance of fuch matters, or any other of the common law courts-the process of obtaining redress would be probably less expensive—the decision, it is more than probable, not less invariable and impartial. And, though I am against the violent abolition of borough influence, as unconstitutional; I will yet allow, that the voluntary refignation of fuch a patronage, which has been practifed in a few splendid instances in Ireland, is equally publicspirited, just, and desirable. The purchase of borough patronages by government, or the laying open of boroughs, which has been proposed by fome, not to mention the violent and illegal abolition of them-might be attended

Douglas, Introd. Note, (K) tended with a fimilar effect—but would that effect be obtained in so unexceptionable a manner? The whole of the above desirable branch of reform is within the reach of the King's prerogative, as it does not innovate upon the number of representatives, the only particular in which he is limited by the Scots union; nor can he be expected to oppose it, as the present practise militates no less against the Royal prerogative, than against the acknowledged rights of the People!

LXVI.

Letter to the Bp. of Waterford 'Verning,' (says Lord Chestersield)
'which has been gaining ground in'sensibly, ever fince Charles II; has,
'with uncommon skill, and unbound'ed profusion, been brought to a degree
'of persection, which at this time dis'honours and distresses the country;
'and must, if not checked (and God
'knows how it can now be checked)
'ruin it.' That shameful corruption
that

that his lordship so complains of, I have already traced to the Tribunitial spirit in Parliament. If there was no fuch spirit, there would be no venality. If there was no venality in the reprefentative, there would be no power of corruption in government.-The noble Earl is wholly at a loss for a remedy-Surely he could not have been so at a loss, had he looked upon so obvious a remedy as the abolition of boroughs, either as a proper or an effectual one-Such was the wife opinion of Lord Chesterfield. I have shewn that the fentiments of the great Lord Chatham were precifely the fame-At all events, the royal boroughs ought to Speech remain facred as an original branch of 1770. the King's prerogative. It might be, however, an improvement, if all who receive Public charities were universally precluded from voting in boroughs. Such a reform in the electors would more effectually secure the dignity of representation and the peace of the State,

State, than any thing that has been as, yet devised. Those who had property would never entrust the preservation of it to such as had none themselves—
The Lackland demagogues would become equally insignificant within doors and without.

ble Earl is who lives

How it may be obtained.

How defirable, how falutary were fuch a reform as this! It now only remains to enquire, how we may expect to obtain it? I know that our demagogues will not be at a loss to alledge on the present occasion the authority of Locke, 'that it is an inherent pri-'vilege of the people at certain times, ' to recur to a state of anarchy, with 'full liberty to constitute for them-' felves a new legislative, and even executive, power.' I know also that his followers are ready to extend his doctrine to all times. But with due deference to Mr. Locke and his followers, I will never be brought to believe, that anarchy can be a remedy

for

On Gov. p. 2. p. 212. for corruption; however, it may have been often the cause of it. We read that the waters of Bethesda, when troubled by an angel, were empowered to work a miraculous cure. But demagogues, however, they may be qualifyed to trouble the waters, cannot yet pretend to be angels, nor have we any right to expect a remedy at their hands—and government feems to be a species of Bethesda, whose virtues are rarely improved by being troubled. We shall therefore recommend to these angelic doctors, the prudent Procede of a predecessor of theirs recorded by Swift, on a less serious occasion-

Strephon wifely would not grope, Or foul his hands in fearch of Hope.

LXVIII.

I know it has been sometimes the opinion of Swist, 'that corruption in 'government is as far worse than 'anarchy; as the state of a savage is 'more desirable than that of a slave at 'the oar.' As I do not desire to charge O o

Sent. of a Ch. of Eng. Man.

the patriotic author with incongruity to his affertions elsewhere, I shall content myself with observing, that He certainly can only mean fuch a corruption as might, perhaps, have authorized the tribunitial outrages at Rome: Such as I have fufficiently shewn, that we are far from experiencing at prefent, and have no reason to apprehend-The worst corruption that can befal a State! Even upon this hypothefis the position were yet doubtful, fince the worst government is manifestly better than none at all: Upon any other hypothesis his affertion is abfolutely false. - Leaving then Mr. Locke to compromise his difference with Sir William Blackstone, and Dr. Swift with himself—I shall follow the advice of the great commentator on our laws, in looking for the reform of our political abuses, only within the precincts of the constitution; not doubting but that it will be always competent to our occasions until that æra arrives, which is appointed to recall things to their first principles-an awful period, which anarchy must inevitably accelerate, and union alone can prevent!-Nor are even the most violent means to be universally confidered as a remedy-Non ea est medicina cum sanæ parti corporis scalpellum adhibetur atque integræ, carnusicina est ista et crudelitas. Hi medentur reipublicæ qui exsecent pestem aliquam tanquam strumam civitatis .-And to whom does this description apply but to the demagogues and their partizans?-But as we do not defire to employ fo violent and dangerous an instrument of reform, even against themselves-we shall now proceed to look out for fafer ones.

LXIX.

IT is justly observed by Mr. Pitt, that the united strength of the three 1785. estates of Parliament, is alone compe-' tent to fuch a reform:' But in which of these estates can we expect it to originate? 002

Whitl, of Parl, c.

originate? I acknowlege that the lower house possesses in itself a temporary power, of excluding the incompetent and the exceptionable from a feat in that Parliament only—a power which it has also sometimes exercised—But this, were they willing to do it, would be only to lop off rotten branches, not to lay the axe to the root of the evil. And when can we expect even fuch a reform, but from a Parliament of Magnates and Sapientes—that is, from a Parliament already reformed?-If any change were to be expected from the lower house, as it now stands, it would require the concurrence of the whole legislature to render it perpetual-Or if they should strain a point by their simple authority to effect this, however popular, measure, as they did in the case of the Septennial bill; what could they expect but the general disapprobation of the Junius's, as well as of all the less enlightned zealots of the nation? Nor would the Lords be

Stat. 7. Geo. 1, c. 28, be fuffered to interfere alone, in the regulation of the Lower house.

LXX

THERE is a remedial part in every law, there must be a remedial part in the constitution. It was the just de- Hume, 4. termination of the moderate Parliament in King James Ilds. time, 'that · Parliaments were as liable to abuse as 'inonarchy.' They defired not to leave things in fuch a fituation, where the King could not, if he found it requifite, either prorogue or diffolve them. It was therefore wifely determined that the remedy of all our abuses can only be found in THE KING. We had already occasion to observe the cheque he possesses upon Parliaments-but how inadequate to the projected reform, is his acknowleged power to prorogue or disfolve that Parliament, which may possibly be returned worse than before? And how fatal would frequent prorogations be to the public business of the nation?

THE

LXXI.

THE negative which the King also possesses upon all parliamentary proceedings, is compared by Blackstone (who approves of it) to the limitation of the Tribunitial power in Rome, as instituted by Sulla-Tribunis plebis Sua lege injuriæ faciendæ potestatem ademit, auxilii ferendi reliquit. restraint upon the Tribunes of Rome, I will not deny to be falutary for them. And happy indeed had it been for Rome had they been more restrained. But whatever Mr. Blackstone may think, I will yet venture to affert, that to reduce a great King to the humiliating restraints of Tribunitial power; can be looked upon at best, but as a Mockery of Majesty. That august Parliament furely could not have defigned to confer on their King a meer shadow of power, which is equally disqualifyed, to prevent evil, or to effect good. To judge of their proceedings fairly, we must

B. 1. c. 2.

Cic. de Leg. 3. 9. must follow the steps of the great Lord Chatham, in reading them according to the Spirit, and not according to the Letter. We will then perceive they must have defigned for their King a full, a fufficient, a reforming power .-Such a power is no more than was practifed by Cromwell, (as Hume fupposes) to support the appearance of liberty-than was practifed by King James II, confessedly for the subverfion of it. Why should not the same power that was exercised by the worst princes for doubtful, or the worst purposes, and against the wish of the people, be allowed to the best King, at their request, for the best ones?

LXXII.

EVEN were the defign not fo confessedly falutary, such an exertion of power is not unconstitutional—It has been an established principle of English jurisprudence, founded upon good reason, ' that though the King cannot 251. allow of what is morally unlawful,

ib. 250 n

'he can permit what is only prohibit-'ed by positive Statute.' Such a dispensing power was allowed to Richard II. It is in fact as old as Henry III.

LXXIII.

IT will further, perhaps, be afferted, that this dispensing power was prohibited by the Bill of Rights. That I equally deny. The wisdom of the great council of that day, could not have required fuch a humiliation of The liberty of the nation would be no better than anarchy, if purchased at such a price. That convention were fo far from condemning the exercise of the dispensing power in general, 'that they only ventured to ' condemn it fo far as it had been ex-' ercifed by the late King.' A plain acknowlegedment that there may be an use of the dispensing power which is not only allowable but falutary; and which those great reformers did not think themselves competent to enterfere with. And if this power is prov-

ib. 351. n

ed to be not incompatable with the Bill of Rights-I have already thewn that the use of it is no less agreeable to the AEt of Union. Or if this difpenfing power were yet insufficient, furely there ought to be and must be a power lodged fome where, like that of the dictators of Rome, upon momentous occasions to provide for the safety of the State ne quid respublica detrimenti capiat --- A power that alone can be trusted fafely into the hands of the King-and which the Parliament alone, like the Roman Senate, would be entirely incompetent to; and that fuch a falutary power is the inherent right of all our Kings the whole English History may evince. From whom have we originally obtained the laws and privileges we poffess? From whom but from the best of Kings, the incomparable Alfred .-From whom the great Parliament of our nation, the barrier of liberty? Let us own our indelible obligation to Pp Henry

Henry III. and his august Council. A council which though it was long prior to the existence of Parliaments, though it influenced the first election of them, though it still continues to direct the renovation of them, it has become a modern topic to exclude from any place in the present constitution. From whom the inestimable privilege of taxing ourselves? Let us never forget that it originated from the magnanimous Edward. From whom have we obtained a restoration of those rights when they were well nigh loft? From whom but the immortal William III, feconded by the great council of our Chiefs that afferted their own nation. power only to establish those of the nation! And a King that would not accept of a kingdom, but on terms fuitable at once to his goodness, and his conscious dignity! He would not be a regent, he would not be the meer husband of a Queen, he would not be the King of an enflaved nation, he would

Howell, p. 86, would be no less than a legitimate King; no less than the most powerful of Kings; no less than the King of a free people! From whom have our wife ancestors, from the remotest times, expected and obtained every redress of Brev. Parl. Parliamentary and other grievances? From whom but the King alone-or the King and his august council? And though we cannot expect from the other estates to have originated such a reform, I dare venture to affert for them, that they would all be ready to fecond it.

Douglas, Note (G) 158, &c.

LXXIV.

To whom then shall we apply for a reform of the abuses we complain of? To whom but to the King in his original hereditary council? That wife council will not fail to support him in fuch a defign; their own dignity no less than bis are concerned. Or if his hereditary council will not, as of old, affist our requisition, let us avail ourselves of that privilege to petition the Throne;

Pp2 the

the old and inherent privilege of English subjects, the legacy of our Henrys and Edwards rescued from the anarchy of Tribunitial power by the wife Parliament of King Charles II; and finally fecured to us by the declamation of rights, that he will of his royal prerogative remove fuch obnoxious counsellors from his presence. ever other causes we may have had to complain, we are happily nor yet divested of this right, nor the King of this power. Nor is our august Sovereign without the admirable documents of his predecessors how to employ it-The excellent Alfred, upon the united and earnest application of the people, heard their complaint, and immediately redressed them. He removed from his council fuch as, by their incapacity or vices, had rendered themselves obnoxious to the subject, and replaced them by the prudent and the incorrupt. A like prerogative was exercifed by Edward I. with a fimilar effect.

fect. The same happy consequences were lately experienced from the spirited interposition of one popular nobleman: So that the subjects of George THE THIRD have no reason to despair.

LXXV.

Such a reform in all the public departments in his government, as would admit of none but of persons of the strictest honor and virtue, was long fince promifed to our nation by the immortal William III. but he did not live to effect it-Such a reform was proposed to the ministry of Queen Ann, by an author who does not stand in need of any panegyric from me; but their fatal diffentions and rapid decline prevented it from taking place. But violent measures like these, I am happy to observe, are far from being necessary at the present day. The words of the Poet-

Regis ad exemplum totus componitur orbis

are peculiarly applicable to our time, at least as far as our Sovereign is concerned. And as we are blessed with a King whom it is virtue to imitate, so we are happy in ministers who are known to be The Friends of Reform. Why may not we therefore expect to verify the admirable words of Isocrates of the posters who are appeared, that the acknowleged virtue of our rulers shall extend itself over the nation; and, even without an effort, effect the renovation of Parliaments!

LXXVI.

OR if any effort is necessary, how easy must it be found! The principal features of the reform proposed, I have shewn to be perfectly in the power of the King, and every necessary alteration in the reach of the King and his Parliament. Nor ought any salutary change to be objected to as an innovation, since to what do we owe our present inimitable establishment that

has been so long the wonder of the world, but to a long series of salutary changes? Neither can the Parliament be averse to support the just prerogative of the King; nor will the King be unwilling to grant to the universal voice of his people the wished for Reform of Parliaments—A reform at once so essential to the royal prerogative, to the dignity of Parliament itself, and to the just rights of the nation!

LXXVII.

Can any thing yet be wanting to complete such a reform? If we would wish to render it permanent, let it be made universal: Let the whole body of the nation be bred to the competent knowlege of those laws, that all are bound to obey—at least let those who are born to be electors, be instructed in the value of their franchise—Above all things it is to be desired, that legal knowlege were added to the other accomplishments of our representatives:

That

De. Leg.

Ff 1. 22. §

That as they are most interested in the present establishment, they should know better than others how to preserve it. This knowlege Cicero affirmed to be 'necessary for a Senator;' -and the illustrious Sezvola no less declared, 'that it was a shame to be ' without it.' Were that great oracle of Roman jurisprudence again to arise, how would be execrate those immense Tomes of legislative inconsistency, that are at once a difgrace to our Statutes, and render their study impracticable! The viginti annorum lucubrationes were of old esteemed indispensible to a Senator, why do we not hear of them now? How favorable would fuch an institution be to our laws, how favorable to public virtue! How would it revive the love of our country? For as the love of God is best acquired by contemplating the goodness displayed in his works, so the love of virtue and of our country must be the necessary result of a perfect knowlege of her admirable

mirable constitution—Nor would even the immensus aliarum super alias acervatarum legem cumulus be any longer complained of—They would on the contrary conform to the admirable idea of Lord Bacon, 'that our laws were 'only the more perfect the more they 'were mixed,' since all error would be removed from our books; and, if they continued to multiply, they would be only the more valuable, as the accumulated wisdom, not the folly, of ages.

LXXVIII.

Is such a reform as this were to take place, alike in our laws and manners, how would it at once ensure respect to majesty, Sine bonitate nulla majestas: add splendor to nobility, Nobilitas sola atque unica virtus: secure the freedom of the subject according to the just idea of Scipio, 'that walls 'are no security to a depraved nation:' render even the laws themselves unnecessary, since virtuous magistrates are speaking laws—and prevent the Q q dangerous

dangerous tumults of the people, by eradicating those vices that are the causes of them. Vitia nobilium cives paulatim a virtute desciscunt variis malis rempublicam afficiunt quibus inundatis fluctuare necesse est. Such a public attention was paid of old to the care of the rifing generation, by Athens, Sparta and Ægypt; such an attention was paid by Persia, under Artaxerxes Longimanus; fuch a proper attention is paid to her young nobility, by the present Empress of Russia-Why do we want to be taught the advantage of fuch an attention? Should it not be equally obvious to our own legislature? How different is such a reform from any proposed by our demagogues, yet how far more effectual?

LXXIX.

Away then with those dark clouds that have so long over-cast our policical hemisphere—Away with Debates, Reform Societies, Conventions, Tumults and Military Parades, that can alone lead

lead to that tyranny which they pre-

"The fpirit-ftirring drum, the martial fife,

"The pomp and circumftance of glorious War"

However necessary in public commotions, are wholly unsuitable to a time of profound peace—Such an unnatural warfare cannot be glorious to either side, and must be fatal to both.

LXXX.

ARMS, it is true, befit the hands of citizens; but Councils belong to the King: The arms of citizens ought to receive their just direction from the King. To what cause shall we impute the lamentable decline of the militia under King James II?-To the King's unjust suspicion of his subjects, and to the ill-judged caution of the people, that would limit the royal power to command them-Away with fuch fufpicions. Whatever there might be then, I hope there is no need of them Let the people enbrace the Qq2 King's

King's army, and let the King depend upon the loyalty of his Armed Citizens!

LXXXI.

Conclusion

My countrymen are now in poffeffion of my best and most deliberate thoughts, from an attentive investigation of thesubject before me. I have used no more than that liberty of speech, that was allowed to every individual of the Athenian commonwealth upon momentous occasions. It were a crime in me to fay, I can be uninterested in a cause which involves the welfare of my country. But though I acknowlege myself to be interested, it must yet sufficiently appear from the course of my work, that I am of no party. A person who chuses to be unknown can be no partizan, and ought to be looked upon as wholly unprejudiced, to whatever fide he may appear to incline. However my opinions may be received, I declare that my only study has been, the investigation of truth: and my only object, the good of my country. If, in this imperfect

imperfect endeavour to state the original constitution of Parliaments, with their perpetual subordination to the rightful Prince from their first introduction into these kingdoms to their lamentable decline, I have been obliged to advance disagreeable truths; let the goodness of my intention serve for my apology-They were fuch only as arose naturally out of my subject; or if I shall be found to be in error, I do not pretend to be more than a Man-I shall be at all times ready to acknowlege and correct my errors, but I must not be expected to reply to meer captious invectives. Where I have been wrong, it must be at least allowed, that I have been wrong with Plato; that I have been under a common mistake with all the most pious, moderate, loyal and respectable personages in the best ages of England, and of the world. With regard to lighter defects in point of coneiseness, method, or stile: I will ingenuously confess, that I might have made my work shorter, more correct or methodical

methodical, had I allowed myself more time-had I fewer avocations, or a better capacity. But to delay a publication which proposes the public good for its object, meerly from a trifling delicacy about my own reputation as an anonymous author, would have been in my opinion no less puerile and pedantic than criminal and inexcusable. I neither expect popular applause nor defire it. I have been content to deferve it by an honest endeavour to perpetuate the peace of my country. I am a freeholder, and as fond of liberty as the most violent demagogue; but I am at the same time sensible with the inspired King, ' that only by pride cometh contention; and have learned to acquiesce in the present constitution of things, upon the just principle of the Poet-

Prov. 13,

Nunquam LIBERTAS gratior extat

P. S. I said would explain Pou-Rou in a Postscript. I am now ready to perform my promise—It is the original name of the executive power in Ægypt. The most absolute of all powers, the populi rex! The true remedy of all disorders of the State—a title very different indeed, from Pol-Roo, populus rex!-But a King once reigned in that country, who was not content with fo excellent a title. It was to this power the Ifraelites applyed, when they were defirous to extricate themfelves from their Ægyptian bondage; that Pharaoh was inexorable and unfortunate-But the people miraculoufly obtained their defire. A Pharaoh of England was not less unfortunate, though not equally culpable -His people also obtained their defire, but not until they had paffed through a Red Sea of blood to obtain it. What more do they want? They cannot pretend that an Ægyptian bondage is imposed on them. They are not in subjection to talk-masters, or an inexorable Pharaoh-They have already had their on. If they have yet any further request to make, let them dutifully approach the Throne of their native and hereditary Prince, their magnanimous Pou-Rou! in full confidence, that their just and reasonable petitions will not be withheld from them. 'By his Coro- nation Oath,' (says the great Lord Somers), 'the King binds himself to preserve the constitution'—How inconsistent is this oath if he does not possess the power to enforce it?

Treatife of Rights,&c.



FINIS.

